

**Parish: Dalton**

Committee date: 23 September 2021

Ward: Sowerby & Topcliffe

Officer dealing: Kate Williams

**1**

Target date: 21 October 2021

**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.**

**At: Part OS Field 6717 Eldmire Lane Dalton North Yorkshire**

**For: Mr R Unsworth and Mr L Ross**

**This application is referred to Planning Committee as the proposed development is a large scale major development and is a departure from the adopted Development Plan.**

1.0 Site, context and proposal

- 1.1 This hybrid application seeks to facilitate the development of a logistics and manufacturing park. The application site is adjacent to Dalton Old Airfield Industrial Estate. The application site forms part of the DAL 1: Extension to Dalton Industrial Estate Employment Allocation, the allocation is for 24.57 ha. The existing Estate is a major existing employment site which is allocated as a key employment location.
- 1.2 The application site is located on a disused RAF airfield and comprises a roughly triangular shaped field (that is within the emerging Local Plan allocation) with a narrow strip of land extending to the south (that is outside the emerging Local Plan allocation). The site has boundaries with Dalton Lane, Eldmire Lane and the existing Estate. Dalton Lane is to the north and Eldmire Lane is to the west.
- 1.3 Along the boundary with Dalton Lane is a highway verge and substantial tree and hedgerow planting, the site is slightly elevated above the road level. On the opposing side of Dalton Lane are residential properties and Dalton Bridge Park with 26 static pitches for residential and holiday lets. The site also has a boundary with Eldmire Lane to the west with narrower hedgerow planting and verge. Centrally along the Eldmire Lane boundary is a residential property which is excluded from the application site. There is agricultural land and farmsteads opposite Eldmire Lane to the west along with the Maiden Bower and Cock Lodge Ancient Scheduled Monument. To the south and eastern extents of the application site is the existing industrial estate which comprises a mix of commercial buildings of various designs and sizes. The industrial estate is home to a number of heavier uses including steel tube stockholders and animal food manufacturers.

- 1.4 The closest villages are Dalton to the east which is primarily accessed via Dalton Lane. The village of Topcliffe is accessed via Eldmire Lane then the A167, which runs through Topcliffe Village to Northallerton. Asenby is beyond Topcliffe.
- 1.5 The site is strategically located for connection to the A1(M) at approximately 4miles and the A19. Both A1(M) and A19 are connected via the A168 from Dalton Lane. Flooding issues at Dalton Bridge on the A168 have been addressed through a recently constructed road and bridge improvement scheme. The Dalton Bridge Flood Alleviation Scheme was designed to provide a secure access to Dalton Industrial Estate during flood events caused by the Cod and Thacker Becks on Dalton Lane.
- 1.6 The outline application Part a) is for 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.
- 1.7 The parameters plan shows the general position of development areas into Plots 1 and 2, with access, landscape and habitat enhancements shown. The parameters plan identifies areas of vegetation removal predominantly within the centre of the site. Plot 1 has a boundary with Eldmire Lane and Dalton Lane, and Plot 2 falls within the strip of land along Eldmire Lane.
- 1.8 The site is being marketed to incorporate designed warehouse, industrial and office space within the units. The development would comprise steel portal frame buildings, with tarmac carparks and concrete service yards. Bespoke units are proposed to be built to individual occupiers' specific requirements. As such there are no identified end users for the proposals and it is likely that reserved matters applications will come forward in a phased manner.
- 1.9 Plot 1 is accessed from Eldmire Lane. The indicative plan shows 7 large units served by a main access road within the site. It shows Plot 1 could accommodate buildings with a combined Gross Internal Area (GIA) of 48,030sqm (517,000sq ft). Within the site the units are shown to be served by car parking areas and service yards. The remainder of the site comprises landscape areas and several balancing ponds. The illustrative landscape plan shows planting along the main access road.
- 1.10 Plot 2 is accessed via an existing access at the very south of the application site This part of the site could accommodate several smaller buildings and yards with a GIA of 6,735sqm (72,500sqft).

Plot	Parameters Plan – Building Heights	Indicative Site Plan – Building Gross Internal Areas
Plot 1	Up to 18m	48,030sqm
Plot 2 A	Up to 12m	6,735sqm
Plot 2 B	Up to 10m	
Plot 2 C	Up to 8m	

1.11 The full application Part b ) is for the creation of new main access and road spur into plot 1. The Hybrid application allows the site access to be constructed prior to submission of reserved matters application. The access road is approximately 100m from the Eldmire Lane and Dalton Lane junction. Eldmire Lane is a single carriageway subject to a 60mph speed limit. It does not have footways and is unlit. It currently serves the existing industrial estate. The proposed development would be served by a new simple priority T-junction onto Elmire Lane.

1.12 The following information was submitted with this application:

- Air Quality Assessment
- Built Heritage Statement
- Design and Access Statement
- Drainage Assessment
- Ecological Assessment
- Flood Risk Assessment
- Framework Travel Plan
- Highways Technical Note
- Noise Assessment
- Phase 1 Desktop Study
- Planning Statement
- Preliminary Arboriculture Assessment
- Reptile Survey and Report
- Statement of Community Involvement
- Traffic Sign and Audit Strategy
- Transport Assessments and Technical Notes

1.13 The following drawings were submitted:

- Illustrative Landscape Master plan
- Indicative Site Plan
- Parameters Plan
- Proposed access1 layout and Vegetation Removal
- Proposed Access Junction 1 Layout
- Site Location Plan

2.0 Relevant planning and enforcement history

2.1 15/02403/FUL - Proposed demolition of existing bridge and construction of new bridge and highway over Cod Beck. Granted 17.12.2015.

2.2 16/01383/FUL - Revised application to planning permission 15/02403/FUL for the demolition of an existing bridge and construction of a new bridge over Cod Beck, site compound and associated works relating to Dalton Lane and Eldmire Lane and installation of flood protection measures. Granted 02.08.2019.

2.3 Local Plan Allocation: DAL 1: Extension to Dalton Industrial Estate Development Requirements:

- Access and highways - The main vehicle, cycling and pedestrian access will be taken from Eldmire Lane, via the existing industrial

estate. Should a secondary point of access be required this will be taken from Dalton Lane. No heavy goods vehicles will be routed through Dalton village and appropriate measures must be put in place to ensure this exclusion.

- Flood, drainage and water management - Part of the site, along the northern boundary, are within flood zone 2. Parts of the site are vulnerable to surface water flooding. A site specific flood risk assessment covering the site will be required to determine the nature and scope of any mitigation necessary.
- Biodiversity and landscaping - A preliminary ecological appraisal and possible ecological impact assessment will be required. Mitigation will be required to deal with any risk of habitat loss. Existing features should be retained, including hedgerows and mature trees, and boundary features enhanced to screen views of the site from the north, east and west.
- Habitats must be protected from adverse impacts, such as obtrusive light.
- Heritage - The site is considered to have archaeological potential and an archaeological assessment will be required.
- Other planning considerations - The site is in a mineral safeguarding area for brick and clay; safeguarding considerations will need to be adequately addressed with engagement with North Yorkshire County Council.
- Utility and Service Provision - It is recommended that early consultation is made with Northern Gas Network and Northern Power Grid and the relevant Water Authority in order to identify undertakings which may be required for the development.

### 3.0 Relevant planning policies

#### 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policies DP30 - Protecting the character and appearance of the countryside

#### 3.2 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php> The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

#### 3.3 Relevant policies of the emerging Local Plan (eLP) are:

S1: Sustainable Development Principles

S2: Strategic Development Needs  
S3: Spatial Distribution  
S7: The Historic Environment  
EG1: Meeting Hambleton's Employment Need  
EG2: Protection and Enhancement of Existing Employment Land  
EG6: Commercial Buildings, Signs and Advertisements  
E1: Design  
E2: Amenity  
E3: The Natural Environment  
E4: Green Infrastructure  
E5: Development Affecting Heritage Assets  
E7: Hambleton's Landscapes  
IC1: Infrastructure Delivery  
IC2: Transport and Accessibility  
RM1: Water Quality, Supply and Foul Drainage  
RM2: Flood Risk  
RM3: Surface Water and Drainage Management  
RM4: Air Quality  
RM5: Ground Contamination and Groundwater Pollution

#### 4.0 Consultations

- 4.1 Topcliffe Parish Council – Neutral. In principle Topcliffe Parish Council is supportive of the proposed development and the creation of local employment. However, they have several concerns about the negative impacts of the development, given their recent experiences of the expansion of the existing industrial estate. These are summarised as follows:
- Wish to see commitments to protect Dalton Village, and the Topcliffe Conservation Area from HGV and other vehicle movements, light noise, odour and pollution control and the Weight Restriction zone.
  - Existing traffic illegally comes through the Highway Road Weight restriction, which causes damage to property and pavements, noise, vibration and pollution. The existing traffic signage is poor.
  - Enforcement of the Highway Road Weight restriction is inadequate. The developer proposed routes of access and egress by the A168 also need to be enforced by Planning Conditions, making HGV traffic through the village an enforceable breach of Planning Condition. Concerned about 24/7 On Site Operations.
  - We are concerned about the impact of this on out of hours traffic movements, both HGVs and employees.
  - We would like to see Planning Conditions to restrict “out of hours” access and egress for all classes of vehicles, including the timing of employee shift changes to control out of hours traffic flows.
  - We wish to see enforceable Planning Conditions to protect the village from this getting worse about additional noise, odours, and light pollution.
- 4.2 Asenby Parish Council – Neutral. The comments are summarised below:
- Acknowledge the benefits of the proposed development in providing a range of job opportunities and a boost to the local economy.
  - Has serious concerns regarding the amount of extra traffic generated and how this is to be managed.

- There is an increase in HGVs ignoring weight restrictions and regularly passing through the villages, instead of using the A168 routes.
  - The existing traffic pollutes the air quality, creates excessive noise and vibrations, and can have a detrimental impact on both the public highways and private property.
  - The recent consultation failed to address these issues regarding Asenby and Topcliffe.
  - We request that a full transport assessment will be undertaken to protect Asenby and Topcliffe from the adverse effects of increasing HGV traffic passing through the villages.
  - We seek reassurance that HGV traffic will be actively encouraged to access and leave the Dalton industrial estate via the A168
  - Suggest revised signage, junction re-alignment to prevent HGVs accessing village routes, inclusion of details in the planning consents and operating licences for Dalton industrial estate preventing entry and egress by HGVs via Topcliffe village and hence on to Asenby and additional monitoring and enforcement of the prohibited routes by the relevant authorities.
- 4.3 NYCC Highways Authority – No objections. The findings and comments are discussed within the Transport section of the report.
- 4.4 Highways England – No objection.
- 4.5 NYCC Lead Local Flood Authority - The submitted planning statement indicates that the drainage infrastructure is subject to submission and approval with a reserved matters application. The submitted documents demonstrate a reasonable approach to the management of surface water at the site. The applicants have provided a significant amount of information in support of the application, which has highlighted the needs for specific conditions, specifically in relation to the management of exceedance flows, the condition of the existing off site drainage system and the to the north of Dalton Lane and the proposed future maintenance of the drainage system.
- 4.6 Historic England – No comments to make.
- 4.7 Environment Agency – No formal comments, but if a connection to the mains system for foul drainage is not feasible, they would expect to be reconsulted and given an opportunity to comment further.
- 4.8 Yorkshire Water – Recommend conditions to ensure Yorkshire Water will be able to determine suitable foul connection points, available capacity in the public sewer network, together with timescales for any potential public sewer network or water supply reinforcement works that may be required.
- 4.9 Swale and Ure Internal Drainage Board - Surface water discharging into the Boards catchment will require Board consent.
- 4.10 Designing Out Crime Officer - The current layout of the development shown in the submitted drawings do not raise any significant concerns in relation to Designing Out Crime. Should outline planning permission be granted I would ask the Authority to place a condition on it, requiring full details of how the issues raised by the Police Designing Out Crime Officer are to be addressed,

be detailed in any Reserved Matters Application. Below is a list of some aspects of the development that require further information within the reserved matters application:

- Ensure appropriate noise mitigation for units adjacent to existing dwellings
  - Avoid creation of ambiguous space
  - Provision of appropriate boundary treatments for each unit
  - Ensure car parking is appropriately located
  - Provision of appropriate secure waste and recycling
  - Provision of appropriate security lighting to all buildings
  - Provision of appropriate lighting of car park
  - Ensure landscaping proposals are appropriate
- 4.11 HDC Environmental health (Contaminated Land) – No objection, recommend conditions.
- 4.12 MOD Safeguarding – No safeguarding objections to this proposal.
- 4.13 HDC Environmental Health - The environmental health officer states that it is essential this industrial environment is controlled at this stage to prevent noise creep. This should be done through hours of use restrictions and then allowing use of units to develop at a controlled way through further planning approval. This will allow individual proposals to be assessed and likely impacts and controls determined. They have also advised that Dalton Bridge Park has applied for planning permission to increase the number of permanent residential units which will increase the noise / nuisance sensitively of the adjacent residential site. They are concerned that if the industrial site is not controlled this may be prejudicial to future opportunities to the Dalton Bridge Park. The 'agent of change principle' encapsulates the position that a person or business (i.e., the agent) introducing a new land use is responsible for managing the impact of that change. This would be an unreasonable task for the caravan site on external amenity grounds if 'hours of use' controls were not applied to the industrial site at this stage.
- 4.14 HDC Economic Development Officer - Supportive of this scheme for all the obvious reasons - allocated employment site; job creation; allowing indigenous businesses to grow; attracting new businesses, etc. We would understand the concerns raised by residents regarding traffic, noise, etc and ask that these concerns are addressed.
- 4.15 Yorkshire Wildlife Trust - Trust in relation to the planning application. These essentially sought:
- a quantified assessment of biodiversity impact using the Defra metric
  - explanation for the loss of certain hedgerows
  - requirement for landscape details, CEMP, landscape/ecological management plan
  - further information on the use of site by breeding birds
- 4.16 39 Public comments have been received. Support in principle is referenced in most responses, but concerns about the application, particularly transport issues, the potential for increased vehicle movement through Topcliffe village have been raised. The comments are summarised below:

- There is sufficient employment land within the district and therefore this development is not required
- Will create local jobs
- Will support nearby shops and businesses
- There will be an increase in noise, odour from new businesses
- There will be increased vibrations to homes as a result of increased HGV and cars travelling to the site
- There will be an adverse effect on nearby villages
- Will risk more disruptive civil/community action due to vehicles flouting the highway regulations
- Concerns additional land will be required from nearby residents to increase the width of Eldmire Lane
- Will cause light pollution into existing properties
- There will be harm to views
- Smaller buildings should be provided around Dalton Lane than shown on the indicative plans
- The amount and 24-hour operation are excessive and will affect sleep
- The development will affect the character of the conservation area
- The villages and buildings within the conservation area were not built to withstand traffic and HGVs passing them
- The area is subject to flooding
- There will be an adverse effect upon air quality
- The proposed development is not sustainable
- There will be light, noise, odour pollution
- There will be loss of vegetation and trees
- Pre-Existing highway problems will be exacerbated
- HGVs already come through villages at speed and ignore the Highway weight restrictions and speed restrictions
- Existing highway regulations are not enforced
- Road signage is already inadequate
- Will lead to an unacceptable increase in HGVs and Traffic
- Will have an impact on highway safety
- The Travel Plan does not go far enough
- Will be more difficult to cross the roads to village facilities such as school and Drs as there are no crossing points.
- A need to ensure that light vehicles servicing the new businesses and employee vehicles, are effectively routed away from the villages
- Existing signs are inadequate and require updating
- The signage amendments need to do more to protect Topcliffe and Asenby from HGV and other vehicles.
- The road signage needs to be amended to incorporate the following
- The road signage needs to be amended

4.17 Statement of Community Involvement - The proposed development and planning application was publicised by letter to ward councillors and parish councils and by a locally distributed leaflet and consultation website. The letter set out key details of the development proposed and enclosed a copy of the emerging draft Local Plan allocation map and the consultation leaflet (see below) (including the draft Illustrative Layout Plan). A leaflet was distributed to



480 households and 70 business addresses, which set out key information and direction the consultation website. The comments received relate to the potential impact of the development on the highway network, drainage and flood risk and residential amenity.

## 5.0 Analysis

### 5.1 The main issues to consider are:

- a. Principle
- b. Highway Matters
- c. Amenity
- d. Design, Layout and Appearance
- e. Landscape Character, Ecology and Bio-Diversity Enhancement
- f. Heritage
- g. Flood Risk and Drainage
- h. Land Contamination

#### Principle

- 5.2 The emerging Local Plan (eLP) was the subject of a public examination in Oct/Nov 2020 following which the Inspector has provided a Post Hearing letter recommending that two of the allocated sites be deleted from the eLP and that additional evidence should be prepared and consulted upon before making Main Modifications to it. The sites that have been identified as allocations in the eLP and not deleted are those that best deliver the Plan's strategy. The eLP is at an advanced stage, there are no significant unresolved objections to the relevant policies and the relevant policies in the emerging plan are consistent with the NPPF. The policies in the eLP cannot be given full weight until the document is adopted, which is expected in winter 2021/22.
- 5.3 Emerging Policy S2 sets out the development needs for Hambleton over the plan period of 2014 to 2036 for 77.8 ha of employment land. S3 sets out the distribution of the growth and identifies economic development will be met at locations which include the Dalton airfield in the central (A1/A19) transport corridor. Policy EG1 sets out the location and quantum of employment development and identifies the allocation DAL1: (24.57 ha) Extension to Dalton Industrial Estate allocation.
- 5.4 The proposed development is not in accordance with the adopted development plan (the Local Development Framework). The site is within the open countryside and was not included within its Allocations Development Plan Document.
- 5.5 Whilst the proposed development is for development in excess of that set out in LDF Policies CP10 and CP11 as the site is not allocated for employment development or located in a Service Centre nor is the development specifically to meet the needs of an existing business, appropriate weight may be given to the emerging Local Plan policies referenced above. The case for development is founded on the evidence base in relation to employment land need and supply, which directly support development in this location to meet economic growth objectives. In addition, the proposal conforms to the NPPF. Allocated sites can be considered suitable in principle for development

following the adoption of the emerging Local Plan. However, whilst the eLP has not been adopted, the 'DAL1' allocation was not subject to amendment or deletion following examination of the Local Plan. As set out in paragraph 3.3 of the report weight can be given to these policies as they are consistent with the NPPF.

- 5.6 The principle of this proposal would be in accordance with emerging Local Plan (eLP) policies S2, S3 and EG1. To further support the principle of the proposal the National Planning Policy Framework 2021 (NPPF) sets out that prematurity arguments against such applications are unlikely to be justified, and therefore the principle of the development is acceptable.

#### Highway Matters

- 5.7 Core Strategy Policy CP2 seeks to ensure that the location of development is located as far as possible so that it will minimise the use of the car and promotes improvements in accessibility by non-car transport. Development Policy DP3 states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. It lists 5 criteria which include measures which can be used to include provision for sustainable development.
- 5.8 The purpose of emerging Local Plan policy IC2 is to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. Emerging Local Plan Policy IC3 seeks to ensure that social and physical infrastructure is provided to support development. This includes a range of different types of infrastructure and includes highway and transport infrastructure, including public transport services, walking and cycling facilities and parking provision.
- 5.9 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.
- 5.10 Full approval for a new access is sought. A new 'T' junction access point from Eldmire Lane is proposed along with another access into the site from within the current industrial estate. Speed surveys have been undertaken to determine the appropriate visibility splay requirement at the new access. A suitable visibility splay can be provided on the existing highway extents or land controlled by the applicant. The Local Highway Authority advise that the proposed access point would be an appropriate means of vehicular access to the site. The second access point would be taken from an existing private road within the current industrial estate, from the southern extent of the application site, which is also considered acceptable. The LHA have no objection to such an arrangement.

- 5.11 The accesses and road layout within the site's internal road network are to be designed in accordance with Manual for Streets to encourage vehicles to travel at an appropriate speed throughout the development. The proposed speed limits are to be achieved through the adoption of appropriate design standards. The internal layout is to be approved at the reserved matters stage of the application.
- 5.12 The site is located in proximity to the strategic A1/A19 transport growth corridor. However, given the rural location there is limited pedestrian and cycle infrastructure within the vicinity of the site or links to public transport services.
- 5.13 The Local Highway Authority have 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. The Travel Plan will seek to encourage alternative modes of transport and focus on cycling. Amendments have been sought to increase accessibility for pedestrians within the site and to connect foot and cycle access to the existing business park to allow walking/cycle trips to other business or services on the site.
- 5.14 Existing bus services are also limited, however there is scope within the S106 agreement to extend the existing bus service from Northallerton into the site. The public transport scheme would be in the form of the provision of 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.
- 5.15 Whilst the provision of this bus service would be beneficial from the start to encourage change in travel behaviour this is 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 accepts 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.
- 5.16 A Framework Travel Plan has been prepared and is submitted with this application which will direct occupier businesses in the preparation of occupier travel plans which will include a series of measures designed to encourage sustainable travel patterns and reduce the reliance on individual private car use.
- 5.17 It is therefore suggested that once occupiers and potential employee numbers and shift patterns are known, the Travel Plan procedure should further explore options for sustainable travel to the site, this will then inform the requirement within the S106 for either a public transport contribution or the provision of a private shuttle bus. Either has potential to be successful in achieving a modal shift away from private cars and an effective measure to limit trip generation by the development.

- 5.18 There will also be other forms of mitigation required to reduce reliance on the private car. It is agreed that accessibility enhancements will include the provision and operation of a Car Share Scheme. The car share scheme would help facilitate the sharing of vehicles by employees at the site and would be administered by the site's travel plan coordinators. Employees and businesses would be aware of this through the implementation of the Travel Plan.
- 5.19 Given the rural nature of the site, car use and car parking for employees will be a requirement. The Design and Access Statement and the Transport Assessment 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 points and parking facilities and the potential for a bus turning area.
- 5.20 The applicant in acknowledging that the site is reasonably accessible via all modes of transport has sought to submit a Framework Travel Plan to encourage sustainable travel and limit any impacts in terms of congestion.
- 5.21 The traffic movements generated from the site have been considered within the submitted Transport Assessment (TA). The TA identifies the local highway network and the existing traffic base flows. It identifies the impact that the proposed development would have on various junctions within the vicinity of the site. Traffic Surveys were undertaken to establish existing traffic and to determine that the network peak hours were 07:45 – 08:45 (peak am) and 16:45 – 17:45 (peak pm).
- 5.22 The Local Highway Authority has advised that the applicant has used the TRICS (Trip Rate Information Computer System) national database to establish a potential trip generation for the proposed development by comparing similar established sites. The applicant has applied the Use Class B2 rate for the whole site although it is anticipated the site will include B8 uses which is likely to result in a lower trip rate. For the peak am hour 160 two-way trips are expected with a slightly lower 156 two-way trips generated in the pm peak hour.
- 5.23 The Local Highway Authority (LHA) has reviewed the potential journey times from the population centres surrounding the site and it would suggest access via the A168 does provide the quickest route to site from most locations. The Local Highway Authority accepts the proposed development traffic distribution is a reasonable estimate of the likely traffic movement from the development. The LHA advises that the expected distribution would result in around 6% leaving the site and travel to the east in the direction of Dalton village.
- 5.24 The remaining 94% would use Dalton Lane west and 10% of this would be likely to use the A167 through Topcliffe. The Local Highway Authority advised that there would be a 3% vehicle increase in Topcliffe in the AM peak hour

and 3.7% increase in the PM peak hour. They have advised that a figure of change in total traffic flow of less than 30% is typically considered to be a low impact.

- 5.25 Using the trip generation and distribution the applicant has assessed the capacity of a number of junctions on the local road network taking into account existing traffic flows, the expected traffic growth and new development traffic for a future year of 2026. The modelling has shown the junctions assessed are expected to continue to operate well within capacity even with the additional development traffic. A review of injury accidents on the immediate road network around the site has not identified any existing clusters or pattern of accidents.
- 5.26 Whilst the trip generation, distribution, site access, highway capacity and highway safety are considered to fall within acceptable parameters there are still concerns about increased traffic movements through villages. There are concerns about existing breaches of road weight restrictions. An audit of existing road signage has indicated possible signage ambiguities which could result in vehicles failing to access/egress the A168 correctly and thereby inadvertently travel via villages with restrictions. The concerns highlight that poor advanced signage and lack of enforcement as a key reason for these breaches, and that the proposed development traffic would exacerbate the issues faced.
- 5.27 Road Weight restriction breaches are a matter for Trading Standards and the Police, and pre-existing issues cannot be attributed or resolved by the proposed development. However, measures can be proposed to ensure the proposed development does not significantly worsen the situation. The transport modelling and advice suggests that this would not be the case, but the applicant has proposed several improvements to the existing signage to highlight the weight restrictions and route HGV and goods traffic via the A168. The LHA is satisfied with the proposed signage, which is shown on the submitted drawings. The intention is for the applicant to pay a sum to NYCC and Highways England to secure and install these and as such will therefore be secured within the s106 agreement. It is envisaged that the majority of signage will need to be in place before the first occupation of a percentage of units and would also benefit other road users.
- 5.28 Additional mitigation also includes a routing plan, which would compel each business in the new development to abide by it. It would include the following:
- A requirement for compliance with existing weight restrictions on the local road network (A167 Long Street and Dalton Lane East) unless the origin/destination of trip is within the areas where the weight limit in place.
  - Map of routes to the strategic road network and key destinations, restricted routes, weight restrictions, Traffic Regulation Orders, and information in relation to recommended routes to fuel stations, rest stops, holding areas suitable for HGVs avoiding Asenby, Topcliffe and Dalton which shall be made available for all staff and regular visitors.
  - A mechanism for businesses in the development to inform regular delivery companies and sub-contractors etc of the route requirements for deliveries.
  - A Drivers Code of Conduct and procedures relating to monitoring, recording complaints and sanctions.

- 5.29 The s106 agreement will include travel plan monitoring arrangements to address traffic routing complaints that may arise.
- 5.30 The installation of roadside cameras in Topcliffe has been requested in the representation. They would correlate movements to the development site, would clearly act as a deterrent and record breaches. There are currently no such cameras on the county road network at present, and given the low level of trips through Topcliffe, current weight restrictions and other mitigation proposed related to this development it is unlikely to be considered proportionate or necessary. Automatic Number Plate Recognition (ANPR) could be installed at the site, and it would record a log of vehicles accessing/leaving the site. The applicants do not consider this is proportionate as it would only be needed to record HGV movements and as a means of recording those which go via Topcliffe which the routing plan should address.
- 5.31 The parameters for the traffic assessments and results are within the Transport Assessment Revision 5 and have been accepted by the Local Highway Authority and Highway England who both offer no objections. The impact upon highway and junction capacity is not considered to be significant with most of the development traffic being able to access the strategic road network quickly and directly. The impact from traffic on other classified roads is low as shown within the anticipated trip distribution modelling. There are existing highway weight restrictions in place to prevent larger vehicles travelling through Topcliffe, and although this regime should be considered to operate as intended the applicants have proposed additional signage over a wide-ranging area, to rationalise the existing signage and make it clearer. The applicants are agreeing to enter into a section 106 legal agreement to compel end users to sign up to route plans, and provisions for monitoring and addressing breaches of this are being included within the legal agreement.
- 5.32 The cumulative impacts on the highway network would not be severe and the proposed development satisfactorily provides additional mitigation and enhancements to accessibility therefore fulfilling the aims of the relevant the relevant LDF Policies CP2 and DP3, draft Local Plan Policy IC2, IC3, E1 and the policies set out in Chapter 9 of the NPPF to promote sustainable transport.

#### Amenity

- 5.33 Policy DP1 states that all development proposals must protect amenity, particularly about privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Similarly, the purpose of emerging Local Plan policy E1 is to ensure that the physical environment created by new development protects and promotes a high standard of amenity both for future occupiers and users, and for surrounding uses.
- 5.34 The Design and Access statement indicates that it is the intention of the business park to be capable of operating 24 hours a day 7 days a week. This clearly provides a great deal of flexibility and attractiveness for the business park but creates a difficulty in securing a reasonable level of mitigation across the site. Some businesses may operate with a minimal impact, whilst others could have processes which would require additional measures.

- 5.35 There are limited properties within the immediate area of the development site, but for those within the vicinity they would be likely to experience a notable change in the immediate visual environment and potentially from noise, odour, vibration, and general activity. However, the site forms part of a former airfield and existing industrial estate near the strategic road network, the impact upon the existing character of the area is not considered to be significantly different and the change to the proposed land use is not harmful to the character or general amenity of the area.
- 5.36 The submitted noise survey identifies that road noise from the A168 and other industrial businesses is apparent. However, night-time residual noise levels are low. The applicants noise survey identified that the result of the industrial noise assessment indicate that a low noise impact can be achieved when considering the site context, however, some acoustic mitigation and design considerations would be required such as the acoustic screen. They recommend the inclusion of a 3m acoustic screen to be located at the northern boundary of the development and a 2.4m screen located on the western boundary between the sources of industrial noise and the existing receptors.
- 5.37 The Environmental Health officer has advised that where an application relates to multiple unknown uses and noise sources it is not always possible to assess the impact on neighbouring properties at the initial determination stage. Although the acoustic report details anticipated levels and mitigation, these controls are based on assumptions. The Environmental Health officer wished to impose a 7am to 8pm operational activity condition. As a strategic industrial location, it is considered that such a noise or operating limiting condition could reduce the ability of some industrial uses to operate which would conflict with the principle of allocating such areas.
- 5.38 Discussions with the Environmental Health officer have therefore discussed controls via conditions. A detailed Management Operation Plan condition has been attached, which applies to each phase and building. It is envisaged this would be a two-step approach with an initial assessment to highlight the proposed use, hours of operations and activities for businesses within each phase of the development. If the above identifies that the hours of use and operational requirements are likely to affect neighbouring residential amenity, then a detailed noise assessment and mitigation shall be submitted.
- 5.39 To protect local amenity and prevent noise creep noise levels identified from specific site operations the Environmental Health officer requires that levels should not exceed 5dB below the agreed residual level at the site boundary. The Environmental Health manager has stated that service will carry out their own Environmental Noise assessment to identify base line noise levels. Further conditions attached relate to extraction equipment and emissions, however some businesses may additionally be subject to other regulatory regimes. The applicant has indicated an alternative approach to controlling noise that allows for a higher level of noise to be generated on site. Discussions regarding the matter are ongoing, the Management Operating Plan condition as shown in this recommendation details the condition that is sought by the Council following the advice of our EHO.

- 5.40 Plot 1 is sited in closest proximity to Dalton Bridge caravan park and other residential properties on Dalton Lane and Eldmire Lane. It is considered that that large scale buildings in this area have the potential to affect residential amenity also from their scale and proximity. The Landscape Appraisal includes viewpoints that are representative of nearby residential receptors, in particular viewpoint 3 is taken from outside the houses/caravans on Dalton Lane (the nearest residential receptors) and is broadly representative of the view. As the proposed planting matures it will filter views of the development, but it will remain partially visible above the tree line. The parameters plan shows a landscape buffer of 22m to 27m, and similar levels of screening on Eldmire Lane near the single residential property. As the internal layout is indicative there is scope to consider the impacts at the Reserved Matter stage, but it is considered that a suitable distance from the existing residential properties could be achieved which would preserve their living conditions in terms of visual, overbearing. The effect of the buffer strip is to set the built part of the development, including any yards and car parks etc, into the site away from the boundary. This allows the introduction of tree and shrub planting that will be specified to achieve effective visual screening in a relatively short period of time.
- 5.41 The results of the assessment indicate that noise from development-led traffic would be insignificant at the existing receptors and therefore no mitigation measures would be required for this aspect. Anticipated vehicular movements have been provided and suggest additional traffic using Dalton Lane East and the A167 would not face a significant increase in vehicle movements. However, as end users are not known there is the potential for additional movements to cause disturbance during night time hours, and therefore the Management Operation Plan will help identify where such activity may occur, and potential mitigation to completely avoid routes via Topcliffe and Dalton Lane East during night time hours can also be introduced within the routing plan. There will also be scope within the Travel Plan to consider measures to reduce car travel for staff. However ultimately the A167 is a classified road which provides direct routes from outside of the district. The A167 is a wide road in places, although on Long street it narrows significantly to one way traffic with the A167 route to Northallerton.
- 5.42 Any Reserved Matter applications will provide greater detail on the resultant layout of the site. Officers consider the overarching principle of development is acceptable and that the attached conditions are a balanced approach which would help to achieve the delivery of this employment allocation, maintain the applicants desire for flexibility and provide protections for residential amenity.
- 5.43 The proposed development therefore conforms to the relevant parts of LDF Policies CP1, CP17, DP1 and DP32, draft Local Plan Policies S1, E1 and E2 and the policies set out in Chapter 12 of the NPPF on achieving well-designed places.

#### Indicative Design, Layout and Appearance

- 5.44 Local Development Framework policies CP17 and DP32 set out the requirements for development to achieve high quality design, and the



importance of this to achieving sustainable development. Policies CP17, DP32 and DP33 require creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The purpose of emerging Local Plan Policy E1 is to set out the mechanisms for also achieving high standards of design for all development.

- 5.45 Appearance, layout and scale are all reserved matters. Therefore, only an indicative site layout has been submitted together with a 'Design and Access statement'. These allude to creating an industrial estate that gives suitable flexibility to achieve a range of units. The maximum height of buildings would range between 8m and 18m.
- 5.46 The design approach proposed is considered largely utilitarian, but it is considered that the proposed flexibility which the applicant seeks to achieve could only be secured in this form, which is appropriate for the proposed use and building forms and uses in the surrounding area. With regard to the above, the estate would benefit from a unified building form, with materials and material colours complementing each other and creating a more uniform design across the site. The existing estate has clearly developed in an ad-hoc manner, which gives a very disjointed appearance and future development can improve on this.
- 5.47 The indicative layout appears logical. Buildings suitably positioned, with car parking areas proposed off main circulation roads and sufficient servicing yards are shown, to allow HGVs to appropriately manoeuvre.
- 5.48 Sustainable development principles are also an element of good design and DP34 seeks to ensure proposals minimise energy demand, improve energy efficiency and promote energy generated from renewable resources. At the reserved matters stage for each plot development, full details will be submitted to address sustainable energy issues and include an energy use assessment that considers the feasibility of on-site renewable, low-carbon and decentralised energy generation. It is expected that each plot developed will incorporate energy efficiency measures which will provide at least 10% of the energy requirements from on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.49 The design and access statement sets out sustainability measures as follows:
- Energy efficiency measures which will include electric vehicle charging points;
  - Adaptable buildings.
  - Sustainable materials and use of local trade.
  - The development will comply with Part L (L2A) of the building regulations. This is regarding insulation standards, services efficiency, lighting, water and air leakage.
- 5.50 Crime is mentioned amongst other anti-social issues in the representations. Whilst others crime issues are noted, these are not considered to justify opposition to the proposal on the grounds of conflict with CP20. Site security measures will likely include fencing and CCTV and will be set out in more

detail during the reserved matters stage to ensure the development would fulfil CP20.

- 5.51 Subject to suitable conditions to ensure that the principles of the parameters plan, and a cohesive design are carried forward through to the reserved matters the development would comply with policies CP17 and DP32 and DP34 of the Local Development Framework and NPPF.

#### Landscape Character, Ecology and Bio-Diversity Enhancement

- 5.52 Policies CP16 and DP30 are relevant in consideration of landscape character and visual impacts. The above policies seek safeguards via suitable mitigation. Paragraph 170 of the NPPF, states that the planning system should contribute to and enhance the natural and local environment. Emerging Local Plan policy E7 seeks to ensure that the character and distinctiveness of the landscapes of Hambleton is protected and where possible enhanced.
- 5.53 There are no public rights of way within the application site or that may be affected by the proposal. At a national level, the site is located within National Character Area (NCA) 28: Vale of York as assessed by Natural England. The Hambleton Landscape Character Assessment and Sensitivity Study (HLCASS) was produced by in 2016. The document identifies 26 landscape character areas across the district. The site falls within Character Area 21: Topcliffe Floodplain. In summary these define the landscape character as a wide and flat area at the confluence of Code Beck and the River Swale. It identifies the area comprises arable farmland, typically with hedgerow field boundaries and relatively few tree groups. It acknowledges the presence of large scale industrial and agricultural feature and an open skyline associated with the flatness of the floodplain.
- 5.54 The visual analysis submitted identifies 6 typical views across the application site predominantly from the north, west and south of the site. The changes initially ranged from negligible to substantial change from Eldmire Lane at the southern edged of the site. Whilst this is in proximity to the existing business park, amendments were sought to remove additional access thereby retaining a larger proportion of hedgerow, which visually is beneficial.
- 5.55 The parameters plan shows buffers around the development in excess of 22m along Dalton Lane and the majority of Eldmire Lane. Overall, even with mitigation envisaged, which is based on the parameters plan, the development will be visible in most cases. The presence of built form adjacent to the site does not result in a development that would be uncharacteristic of its setting with the large existing industrial buildings visible within the vicinity of the area. The additional planting where proposed will help assimilate the development into the surrounding context given the surrounding area and dominance of the buildings on the existing business park.
- 5.56 Policy DP31 and DP32 seeks to ensure that significant harm to natural resources is avoided. Emerging policy E3 sets out how the Council will consider proposals in relation to biodiversity and geodiversity. E4 seeks to ensure that green infrastructure is protected and where possible enhanced.

- 5.57 A Phase 1 habitat survey, preliminary protected species survey, Badger and bat tree assessments were undertaken. The baseline ecology of the site records the habitats include amenity grassland outside of the application site, poor semi-improved and neutral semi-improved grassland within the centre of the site. Broadleaved and mixed plantation woodland are present within the site along the boundaries, tall ruderal vegetation is present throughout the site with dense scrub, scattered scrub and scattered trees and hedgerows. The survey also identified Himalayan Balsam, which is an invasive species.
- 5.58 The survey also identified that Badgers are present in the wider environment, but no evidence was identified. Young trees had low potential for bat roosting. Bat transect surveys and static surveys were undertaken, with the results identifying low numbers and therefore no significant foraging within the site or commuting routes were identified. No Great Crested Newts (GCN) have been identified within 1km of the site boundary, nearby waterbodies did not contain GCN, and the severance of the applications site from waterbodies meant the site was unlikely to be suitable for GCN to commute to habitats within the site, although the habitats on site were suitable for reptiles and GCN. A Skylark was noted alongside other bird species and the grassland, woodland, trees and scrub provide suitable habitats for these. The site would provide a suitable habitat for hedgehog. The survey noted cinnabar moth and other invertebrates.
- 5.59 There would be a loss of poor semi-improved and neutral semi grassland, broadleaved and mixed woodland plantation, tall ruderal vegetations, Scrub, scattered trees and hedgerows. Therefore, the development would impact upon the habitats of the fauna at the site and during construction.
- 5.60 Construction mitigation is required in respect of Badgers, Rabbits/Mammals, bats, nesting birds and hedgehog and the removal of Himalayan Balsam. A construction Environmental Management Plan will be conditioned for each phase of the development.
- 5.61 Operational mitigation is proposed in the form of the requirement for new woodland and hedgerow planting, which would link to existing retained woodland. The tree suitable for bat roosting will be retained, there would be the creation of grasslands and balancing ponds, fruit and berry trees and scrub and other features such as log piles which will additionally be supported with long term management. A sensitive lighting scheme to consider the impacts around the woodland areas is also required. Bio-diversity enhancements have also been proposed which include increasing the diversity of wildflowers, invertebrate boxes and balancing facilities. Therefore, a Landscape and Ecological Management scheme will be incorporated in the conditions for each phase.
- 5.62 The Yorkshire Wildlife Trust (YWT) has requested that the proposals should demonstrate a 'measurable' net gain in biodiversity. The applicants advises that YWT's comments are noted, the applicants do not intend to undertake a quantified assessment of biodiversity impact/gain. As the YWT note's this is not currently required by legislation or adopted policy. The applicants also advise that whilst an employment development of the scale/nature proposed

is unlikely to secure a measurable net-gain, the proposed development does incorporate opportunities for biodiversity improvements and the mitigation of impact as set out in the Ecological Assessment. The applicants advise that the vast majority of the site lies within an emerging allocation for employment use. For an employment development of the nature anticipated by the draft allocation and proposed by this application it is not possible to retain any extensive area of land undeveloped. The achievement of biodiversity gains is a matter that will require further consideration at the reserved matters stage.

- 5.63 In relation to hedgerow losses through design development, the scheme has been amended at the Plot 2 part of the site to retain the hedgerow to the Eldmire Lane frontage and utilise a secondary access via the existing industrial estate. This serves to reduce 'impact' of the development in landscape and ecological terms relative to the original proposal. Other areas of hedgerow which are indicated to be removed are necessary to facilitate the development.
- 5.64 The YWT have identified some concerns regarding breeding birds at the application site. They query that the absence of the survey means that it has not been determined how many skylark territories the site supports and could therefore be affected by the proposals. The applicants have been made aware of the request for further surveys from the Yorkshire Wildlife Trust. They advised that they do not intend to undertake further surveys of the site in relation to habitats or species ahead of determination of the application, including for breeding bird use, primarily because the nature of the development/allocation will necessarily result in the loss of the grass part of the site. New habitats suitable for birds, with reference to Skylarks will be created alongside other bird habitats and bird boxes. The mitigation proposed would be secured within the Construction Environmental Management Plan, which would be to avoid ground clearance during the bird nesting season.
- 5.65 Within the development as proposed, the have sought to maintain landscape areas to the periphery which serve a screening, amenity and biodiversity function. It is also anticipated that green areas will be created within the development site along road corridors and around the sustainable drainage ponds which will serve to enhance amenity and provide habitat within the scheme. Conditions have been attached for the submission of a landscape and ecological masterplan, which subsequent phases will need to follow.
- 5.66 National planning policy requires the planning process to contribute to and enhance the natural and local environment, through minimising impacts on habitats and providing net gains for biodiversity. Emerging policy seeks to use the metric on designated sites to account for any losses. The proposal has not been shown to achieve a net gain. The proposal however seeks to make efficient and effective use of the land, which in turn, should reduce the need for development of other less-suitable and potentially more-sensitive sites elsewhere.
- 5.67 Each aspect identified in the surveys have been addressed, and mitigation provided. The Ecological impact assessment identifies that that no significant negative residential effects are envisaged. The applicants propose avoidance measures, mitigation strategies and compensation measures. There remains

the potential within the mitigation and compensation to increase spaces of high value for biodiversity even if there is a reduction in the size of the areas of green space. These can be conditioned alongside a Construction Environmental Management Plan (CEMP) which would address the comments from consultees.

- 5.68 The strategic landscape framework will 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. This will ensure that the proposed development would fulfil the requirements of CP16, CP17, DP31, DP32, and emerging policies E3 and E7. The proposal fulfils current advice within the NPPF, and officers advise that overall, this can be considered acceptable.

#### Heritage

- 5.69 LDF Policies DP28, CP16 and DP29 relate to heritage matters. They reflect the advice within the NPPF and the requirements of the relevant Acts. The purpose of the emerging Local Plan policy S7 is to set out the strategy for the historic environment and the protection and enhancement of heritage assets and their settings. Similarly, the purpose of E5 is to ensure 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.
- 5.70 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Any harm should be given significant weight.
- 5.71 There are no currently 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 400m southwest of the site as shown on the Proposals Map (see Section 5) west.
- 5.72 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.
- 5.73 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.

- 5.74 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 will have a limited visual impact upon the setting to the monument. In this context, development is assessed to have a minor impact upon the visual openness of the setting to the Maiden Bower and Cock Lodge scheduled monument. However, the amendments sought, and additional landscape buffers are considered capable of providing additional mitigation of views towards and over the wider estate. Therefore, whilst the minor impact remains, which will be less than substantial, this is outweighed by the public benefits of the proposal, which follows the proposed allocation of the site for employment development, will create jobs and benefiting the local economy with benefits to local communities through that economic activity.
- 5.75 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 Thirsk and Sowerby Conservation Area.
- 5.76 The components of the design would not affect the setting of Topcliffe Conservation area. The development site is not within the immediate context of Topcliffe and separated by the A168 and therefore there are limited visual links. However, the levels of noise, odours, dust, vibration which can be caused by traffic can have a substantial bearing on the character of a heritage asset. The Transport Assessment considers the effect of vehicle movements generated by the development on the local highway network. This demonstrates that the impact of the development-generated traffic on the surrounding area to be negligible in terms of queuing, delay and trip distribution through Topcliffe. Furthermore, existing weight limits are in place to prevent HGVs passing through these villages, with additional mitigation proposed of additional routing controls. The development will not result in harm to the setting of the Topcliffe Conservation Area and the heritage assets within it.
- 5.77 The proposal can be considered to fundamentally preserve the character and appearance of heritage assets. The proposals would not cause harm to any specific feature, fabric or other aspects of the heritage assets. Whilst substantial weight should be given to any harm, there are public benefits which outweigh the less than substantial harm to the identified heritage assets. The proposal is considered to fulfil the requirements of Policies C16, DP28 and DP29 and E5 and E6 and the NPPF.

#### Flood Risk and Drainage

- 5.78 CP21, DP6 and DP43 seek to protect the environment from flooding, mitigate development from the consequences of pollution, noise, or hazardous activities. It also seeks to ensure that new development is capable of being accommodated by existing or proposed services.
- 5.79 Emerging Local Plan policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. The purpose of 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. RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner.

- 5.80 Most of the site is in Flood Zone 1, with a very small area adjacent to the northern boundary of the site indicated to be in Flood Zone 2. The flood risk assessment indicates that all proposed buildings sit within flood zone 1.
- 5.81 Although North Yorkshire County Council in its capacity as Lead Local Flood Authority does not hold any records of surface water flooding at the proposed site, they advise it should be noted the area surrounding the approach to Eldmire Lane from Cod Beck has suffered from flooding in the past. Flooding in the village of Dalton and Dalton Airfield Industrial Estate occurred in November 2000. Flooding also occurred in the Dalton area in September 2012 from Cod Beck overtopping, resulting in flooding at Dalton Bridge and Dalton Village. Access into the Dalton Airfield Industrial Estate from the A167 to the west of the site is shown to lie in Flood Zone 3 and consequently this route did become impassable in the past.
- 5.82 The construction of a new bridge over Cod Beck and installation of flood protection measures granted in 2019 has addressed this issue. The work included a new bridge, realignment of the road, ground stabilisation, embankment construction, drainage, culvert installation on Thacker Beck, flood banks and highway drainage and surfacing were intended to address such issues and ensure that access along the road network leading to the A19 and beyond is permanently available during a flood event. On this basis it is anticipated that, safe access/egress will be achievable. The Lead Local Flood Authority have commented that it should be demonstrated within the detailed design that the development does not increase flood risk both on and off site and aims to improve flood risk wherever possible. The Environment Agency do not make comments in this respect.
- 5.83 The applicant proposes 2 discharge points, the main site via 450mm private sewer into Cod Beck and southern limb into the public sewer to the south of the site. The private sewer network extends beyond the application boundary. The LLFA advise that the consent of the landowner must be sought to connect to this network. The applicant intends to utilise the currently unused surface water drainage network for the main part of the site (noted above) and has conducted CCTV survey of current infrastructure, with obstructions noted and recommendations for further CCTV surveys of unreachable areas. It is intended to discharge the Main site to Cod Beck and the Southern limb into public sewer at the Yorkshire Water insisted restricted rate. As a full design has not been completed for the discharge rates final recommendations are awaited however, from advice received to-date it is anticipated that run off rates can be designed to be acceptable to the LLFA and Yorkshire Water.
- 5.84 The proposed development lies wholly within the Swale and Ure IDB district, and surface water from the proposed development is to discharge into an IDB watercourse. The LLFA and IDB advise consent to discharge into the watercourse will require their consent process. Attenuation storage requirements have been calculated on individual development parcels and the

Drainage Assessment indicates that the forms of attenuation storage are to be determined at the detailed design stage/discharge of conditions application.

- 5.85 Surface water design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced. Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against using oil interceptors, roadside gullies, reedbeds or alternative treatment systems.
- 5.86 The LLFA also advise that site design must be such that when SuDS features are exceeded due to failure caused by blockages or collapsed pipes or when the system is overwhelmed by excessive flood flows, the exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways.
- 5.87 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. Damage caused during the construction phase has the potential to prevent SuDS functioning as required, for example contamination by sediments generated during construction. As such appropriate planning must be applied to surface water management during the construction phase. Whilst most information has been submitted the reserved matters application will enable full details to be provided.
- 5.88 The illustrative foul water drainage strategy is to drain foul water to a centrally located, adoptable foul water pumping station that would pump the foul water to a gravity foul sewer within Eldmire Lane (within Industrial Estate) and thereafter to the existing wastewater treatment works or via a rising main directly to the treatment works.
- 5.89 Yorkshire Water has advised that sewer modelling is required (at developer cost) to determine the capacity within its sewer network to convey foul water to the treatment works and also to investigate whether the treatment works has sufficient capacity/capability to treat the foul water. The findings of this modelling and investigation may require reinforcement works to be undertaken by Yorkshire Water. This is a matter to be addressed by Yorkshire Water and does not require an additional planning condition.
- 5.90 Officers have been advised that the detail of the foul water drainage scheme and the specification of any reinforcements required will however depend on the nature of the foul water generated which is influenced by the form of the development proposed. The strategy is, therefore, post-outline planning, to work up this detail and engage with Yorkshire Water to agree the drainage design and any reinforcements based on further detailed design and occupier/use information as this emerges.
- 5.91 In summary, the development proposes a satisfactory drainage strategy, with additional detail and information required able to be provided via the reserved matters application or conditions. The surface water runoff generated from the proposed development and foul water from the developed site can be sustainably managed and that the proposed development may be completed in accordance with the requirements of planning policy subject to the detailed



drainage design being submitted to and approved by the local planning authority prior to the commencement of development of the relevant phase of the development.

- 5.92 The proposed development therefore conforms to the relevant parts of LDF Policies CP21 and DP43, emerging Local Plan 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.

#### Land Contamination

- 5.93 The LDF Policies CP21, DP42 and DP44 require that communities are kept healthy and safe from proposed developments.
- 5.94 The Preliminary Contamination Risk (Phase 1) Assessment produced by GEO-Environmental Engineering submitted in support of the above development identifies a potential contamination risk and the Environmental Health officer therefore recommends 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.
- 5.95 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.
- 5.96 Whilst the increase in HGV traffic can have an impact upon air quality, the site is not located within an Air Quality Management Area (AQMA). No concerns have been raised by statutory consultees in this respect, and the submitted air quality assessment concluded that qualitative tools have been used to show that the risk of exceeding the relevant levels is very low in the context of the rural characteristics of the area in general and the low background concentrations, and that the effects of development traffic are likely not significant at key locations. It is also considered that measures are proposed to ensure HGV routes avoid nearby villages and the resultant distribution of vehicles across the various strategic road network as identified within the transport assessment is unlikely to be significant to warrant specific measures other than those which relate to sustainable construction, the travel plan and renewable energy requirements. Therefore, the proposal would accord with the aims of RM4.

#### Economic Impacts

- 5.97 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.
- 5.98 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.

- 5.99 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 applicant has advised that working on the basis of the HCA Employment Density Guide (3rd Edition) 2015 and assuming a mix between industrial (B2) and storage/distribution uses (B8) relative to the size of buildings expected to be constructed, the number of occupier business jobs that could be accommodated on site is estimated to be in the order of 850-1,000.
- 5.100 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.
- 5.101 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.

#### Planning Obligations

- 5.102 Section 106 obligations must be assessed against and meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. The terms for the S106 agreement include accessibility enhancements, Travel plan monitoring, provision of a routing plan. It is considered that the obligations below are:
- Necessary to make the development acceptable in planning terms.
  - Related to the development.
  - Fairly and reasonably related in scale and kind to the development.
- 5.103 In summary the draft section 106 heads of terms include:
- A requirement to enhance accessibility by public transport or private shared transport
  - A Travel Plan monitoring fee
  - A routing plan and driver code of conduct for future occupiers
  - Full payment for the costs of the proposed signage and its installation
- 5.104 The draft heads of terms set out the obligations that the developer/landowner is willing to be bound by, in order to meet the needs generated by the development. In combination with the proposed conditions the above approach is considered reasonable approach.

#### Planning Balance and Conclusion

- 5.105 The principle of the proposed development in this location is supported directly by emerging draft Local Plan Policies: S2 'Strategic Development Needs' for employment land; S3 'Spatial Distribution' part e. 'Economic Development' and EG1 'Meeting Hambleton's Employment Requirements' which identify Dalton Airfield as a strategic employment site in the central (A1/A168/A19) transport corridor that will help deliver sustainable economic growth within the district.
- 5.106 Whilst the proposed development is not allocated for employment development in the LDF or located in a Service Centre, and not a proposal for development specifically to meet the needs of an existing business at Dalton, appropriate weight may be given to the emerging Local Plan policies referenced above, which are based on the evidence base in relation to employment land need and supply, which directly support development in this location to meet economic growth objectives. In addition, the proposal conforms to the NPPF.
- 5.107 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.
- 5.108 The proposal would be in accordance to emerging Local Plan Policies S2, S3, EG1 and realise development of a substantial part of allocation DAI 1, which are considered to outweigh any non-conformity to LDF Policies.
- 5.109 The comments from the consultees indicate that, the proposed development is acceptable in terms of its impacts and assessing these against policy requirements, the mitigation proposed would ensure that the proposal conforms with adopted and emerging policy in terms of highways issues, residential amenity, heritage assets, contaminated land and drainage. The attached conditions can mitigate the impacts, are reasonable and directly relate to the proposed development. The proposal fails to use the Defra metric to identify net gains or bio-diversity losses, but this is balanced against the need to make efficient use of land and the proposed biodiversity enhancements and increased variety of habitats and species which are being proposed can be secured by conditions.
- 5.110 The proposal represents sustainable development and will specifically support the Council's objectives through promoting Hambleton as a recognised location for business by providing a range of employment opportunities and meeting the needs of new and expanding businesses.

## 6.0 Recommendation

- 6.1 That the application be **GRANTED** subject to (A) the completion of the s106 agreement in accordance with the draft section 106 heads of terms and (B) the following condition(s):

A. Draft section 106 heads of terms

1. **Accessibility Enhancements**  
A requirement to enhance accessibility by public transport or private shared transport as follows:
  - Shared Transport shall include consideration of shuttle bus and car share scheme; and/or
  - (Public transport enhancements shall include diversion of the 70-bus service to the site and the introduction of a regular early morning service from Northallerton. This shall be subject to funding per annum for a period of 5 years to divert this service.
  - The nature for determining the type of the provision, timing, implementation, and costs shall be contained within the S106 agreement to be agreed with NYCC.
  
2. **Travel Plan Monitoring**  
A fee payable to NYCC to monitor the introduction/Implementation of the Travel Plan.
  
3. **Routing Plan**  
The applicant and any successors to the land shall agree to a routing plan for all Goods vehicles accessing the site. The routing 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.
  
4. **Signage**  
A fee to be provided to NYCC to facilitate the procurement, installation, and maintenance of the approved signage in accordance with an agreed timetable.

Agreement of a signage scheme including design/specification, programme/ timescale, safety audit etc for upgrade of highway direction and weight limit signage.

Extent of upgrade scheme limited to that shown on drawings  
AMA/20573/TSLOCATION, AMA/20573/TS001, AMA/20573/TS002,  
AMA/20573/TS003, AMA/20573/TS004 and AMA/20573/TS005, as well as  
additional sign improvements to the weight restriction signing in Asenby and

signing on the A168 northbound advising of appropriate route for goods vehicles to the industrial estate.

## B. Conditions

1. **Time Limit Outline Part a)**  
Application for the approval of all the reserved matters in respect of Part a) of the development hereby approved (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) 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. **Time Limit Full Part b)**  
Part b) of the development hereby permitted (creation of new main access and road spur with associated infrastructure) shall be begun within three years of the date of this permission.
  
3. **Outline Reserved Matters**  
No development in respect of Part 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) shall take place 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; and
  - iv. scale.Thereafter the development of that Phase shall not be carried out otherwise than in strict accordance with the approved details.
  
4. **Phasing of Part a) (Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8).**  
Prior to the commencement of Part a) 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. 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.

5. **Approved Drawings**  
Part b) of the development hereby permitted shall be undertaken in accordance with the following approved drawings 20573/SK006.1 Rev A Proposed Site Access 1 with Visibility Splay and 20573/SK006.6 Rev -Proposed Access junction Layout.
6. **Scope of Outline Permission**  
The Reserved Matters applications for each phase of the development shall be submitted in substantial accordance with the parameter plan Dwg No. 2019-062/109 Rev B Parameters Plan.
7. **Design Framework**  
No development in any phase, other than works to complete the approved site access points and development approved by Part b), shall take place until a detailed design framework for site has been 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 the sustainability measure contained within section 03 Proposal/3.6 of the Design and Access statement Ref:2019-062\_Doc 001 January 2021 have been incorporated into the design.
8. **Construction Management Plan**  
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 for each Phase. The Plan must include, but not be limited to, arrangements for the following in respect of each Phase of the works:

- i. details of any temporary construction access to the site including measures for removal following completion of construction works;
  - ii. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - iii. the parking of contractors' site operatives and visitor's vehicles;
  - iv. areas for storage of plant and materials used in constructing the development clear of the highway;
  - v. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
  - vi. details of the routes to be used by HGV construction;
  - vii. protection of carriageway and footway users at all times during demolition and construction;
  - viii. protection of contractors working adjacent to the highway;
  - ix. details of site working hours;
  - x. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
  - xi. Implement the Construction Dust Mitigation measures contained within Hydrock Air Quality Assessment (DNB-HYD-ZZ-XX-Y-RP-2003\_P04) Appendix A – Construction Dust Mitigation for medium risk sites
  - xii. measures to control and monitor construction noise;
  - xiii. details of the measures to be taken for the protection of trees;
  - xiv. details of external lighting equipment;
  - xv. details of ditches to be piped during the construction phases;
  - xvi. a detailed method statement and programme for the building works;
  - xvii. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue;
  - xviii. Details of any piling to take place including duration and equipment type to be used. In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed and details submitted;
  - xix. How machinery, equipment and earth works will comply with the British Standards BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites;
  - xx. In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed and details submitted;
  - xxi. Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.
  - xxii. A scheme to deal with surface water run-off within each construction phase.
9. Construction Environmental Management Plan (CEMP)  
No development shall commence, until a Construction Environmental Management Plan ("CEMP") 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 identified in the Ecological

Impact Assessment (ref. FE50/EcIA01 Rev B) including but not limited to the following:

- i. Mitigation for badgers and other mammals
- ii. Protection measures for retained trees
- iii. Removal of Himalayan Balsam
- iv. Timing of ground clearance to avoid the bird nesting season for each phase surveys

Once approved, development of each phase shall be undertaken in accordance with approved CEMP.

10. Details of Access, Turning and Parking

No development in respect of Part 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), except for investigative works, shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority for each respective Phase:

- i. vehicular, cycle, and pedestrian accesses to and within the site;
- ii. vehicular and cycle parking;
- iii. vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- iv. 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 approved details.

11. New and Altered Private Access or Verge Crossing

The development of Plot 1 as indicated on the Parameters Plan must not be brought into use until the proposed access to the site from Eldmire Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

(A) Access number 1, as shown on plan number 20573/SK006.1 must be formed with 15 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.

(B) That part of the access road extending 10 metres into the site must be constructed in accordance with Standard Detail number E60 and the following requirements:

- i. 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. T
- ii. 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.
- iii. 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. 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.
- iv. Measures to enable vehicles to enter and leave the site in a forward gear. The development shall be implemented in accordance with the approved details.
12. **Visibility Splays**  
There must be no access or egress by any vehicles (other than any temporary access approved) between the highway and the application site until the following splays are provided. Access 1 shall include a splay 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, the visibility splay must be maintained clear of any obstruction and retained for their intended purpose at all times.
13. **Site Sections**  
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.
14. **Lighting**  
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.
15. **Footway within Development Site to Established Industrial Area**  
The development shall include provision of an illuminated footway route from Access 1 shown on drawing no. AMA/20573/SK006.1 Rev A that connects to the footways on the existing industrial estate. The footway shall be provided in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority which shall include:  
  - i. full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme;
  - ii. a programme for the delivery;
  - iii. an independent Stage 2 Road Safety Audit.Once approved the footway shall be completed in accordance with the approved engineering details and programme and retained for the lifetime of the development.
16. **Landscape and Ecological Management Plan**  
The development of Part a) or any individual Phase subsequently approved under Condition 4 shall not commence until a Landscape and Ecological

Management Plan has been 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.

The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

17. Boundaries

The development of Part a) (Outline) or any Phase subsequently approved under condition 4 shall not be commenced 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. The details shall be consistent with the Landscape and Ecological Management Plan, and shall include provision of acoustic screening if subsequently required under condition 30 (Management Operating Plan) 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 life of the development unless otherwise approved in writing by the Local Planning Authority.

18. Electric Vehicle Charging Points

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.

19. Cycle Parking

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 made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

20. Plot Access

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.

21. Travel Plan Delivery

The development must be carried out and operated in accordance with the approved Framework Travel Plan Ref: 200573-002. 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 as required by the section 106 agreement. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

22. Contaminated Land

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.

23. Submission of Remediation Scheme

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.

24. Verification of Remedial Works

Prior to first occupation or use of any Phase, the approved remediation scheme for that Phase 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.

25. Standard Detailed Drainage Design for phased development

Development of each phase shall not commence until a scheme detailing surface water drainage in accordance with the Drainage Assessment prepared by Weetwood Services Limited (ref 4676/DA/Final/v1.2/2021-01- 12) 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.

26. **Surface Water Drainage Maintenance**  
No part or phase of development shall take place until a scheme to ensure suitable maintenance and management of the proposed surface water drainage infrastructure has been submitted to and approved in writing by the local planning authority for that phase. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.
27. **Exceedance Flow Routes**  
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.
28. **Separate Surface and Foul Water**  
The site shall be developed with separate systems of drainage for foul and surface water on and off site.
29. **Foul Water disposal**  
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.

30. Management Operating Plan

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,
- 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.
- 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 5dB below the agreed residual level at the site boundary or further measures to mitigate the impact.

The approved scheme shall be implemented in full thereafter the use of the specified unit shall be undertaken in compliance with the approved details unless otherwise approved by the Local Planning Authority.

31. Extraction Equipment

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.

32. Emissions

All emissions to atmosphere resulting from any processes, plant, or activity likely to be detected at odour sensitive receptors 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.

33. Use Class Restriction

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 without the formal consent of the Local Planning Authority.

34. Materials

Prior to the development of Part a) (Outline Permission) or any 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.

35. Secured by Design

The 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. The development shall be implemented in accordance with the approved details.

36. Renewable energy 10%

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.

Reasons:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
3. 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.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies noted above.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies noted above.
6. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies noted above.

7. In the interest of good design and the visual amenity of the area in accordance with CP1, CP16, CP17, DP33.
8. In accordance with the objectives of sustainable construction and environmental management and the Local Development Framework Policies CP1, CP17, DP1 and DP32.
9. In accordance with the objectives of sustainable construction and environmental management and the Local Development Framework Policies CP1, CP17, DP1 and DP32.
10. In the interests of road safety to provide for a safe and adequate means of vehicular access to and from the site for the purposes of undertaking the development hereby permitted and to secure appropriate reinstatement upon completion in accordance with Local Development Framework policies CP1 and CP2 and DP1.
11. In the interests of road safety to provide for a safe and adequate means of vehicular access to and from the site for the purposes of undertaking the development hereby permitted and to secure appropriate reinstatement upon completion in accordance with Local Development Framework policies CP1, CP2 and DP1.
12. In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions in accordance with Local Development Framework Policies CP1, CP2 and DP1.
13. To ensure that the development is appropriate in terms of amenity and meeting sustainability objectives in accordance with Local Development Framework Policies CP1 and DP1.
14. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
15. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway in accordance with Local Development Framework Policies CP1 and DP1.
16. In order to soften the visual appearance of the development and provide any appropriate screening and ecological enhancement in accordance with Local Development Framework Policy CP1, CP17, DP32 and DP33.
17. In the interests of visual and residential amenity in accordance with CP1, CP17, DP1, DP32 and DP33.
18. In the interest of sustainable development in accordance with Local Development Framework Policies CP18 and DP34.
19. In the interest of accessibility and sustainable development in accordance with Local Development Framework Policies CP1, CP2 and DP1.
20. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.
21. In the interest of accessibility and sustainable development in accordance with Local Development Framework Policies CP1, CP2 and DP1.
22. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
23. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.

24. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
25. In order to avoid flood risk and the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
26. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
27. In order to ensure adequate maintenance and to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
28. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
29. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
30. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.
31. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.
32. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.
33. To reserve the right of control of the Local Planning Authority and to protect amenity as alternative uses may not be acceptable for the allocation in accordance with Local Plan policy CP1 and DP1.
34. In the interest of the visual amenity of the area in accordance with
35. In the interests of crime prevention and amenity in accordance with Local Development Framework Policies CP1 and DP1.
36. In accordance with the requirements of the LDF Policies DP34