

PLANNING COMMITTEE
SUPPLEMENTARY INFORMATION
23 September Update list

Agenda Item	Application number and Parish	Respondent	Comments
1	<p>Morning session commencing at 10:00am</p> <p>21/00331/HYB Dalton</p>	<p>Additional public comments (J. Moores and T. Bruce)</p>	<p>Two further observations have been received. The first is a document containing photographs of several HGV's using Church street/Long Street in Topcliffe, which forms part of the classified A167 road network, and which is subject to a weight restriction. The representation lists issues already summarised in paragraph 4.16 of the report. It does highlight additional road, building and vehicle damages in Topcliffe caused by HGVs and reported between 40 and 50 lorries per day of which 70% estimated to be breaking the law, and stopped recording at 1000 plus lorries.</p> <p>A further representation was received following the publication of the report which seeks to impose additional measures within the s106 agreement as follows: Independent monitoring and reporting of traffic impact on Topcliffe and Asenby. Further Actions to Support Achievement of the Objectives/Terms of this section 106. Agreement to minimise HGV and overall traffic impact on the villages of Topcliffe and Asenby. A routing plan for non-goods vehicles. Clarification of the Travel Plan Monitoring. Concerns about the limitations of the proposed signage (which is echoed by the Parish Council).</p> <p>As noted in the report it is apparent that existing signage is poor and therefore knowledge of the restrictions may be low resulting in breaches. Whilst the development should not be expected to deal with existing breaches by non-development traffic, it is important that the development does not exacerbate the situation. The proposal is therefore being brought forward with a level of control well above what has been imposed on the existing industrial site, and resultant proposed signage is likely to benefit other road users.</p>

Within the section 106 Heads of Terms (HoTs), at 6.0 of the officer report, it was anticipated that monitoring of the success of the proposed routing plan was required. The development would initially be expected to undertake these elements via the appointed development Travel Plan coordinator, but additionally, whilst all clauses are subject to final wording between the Council, applicant and NYCC legal representatives a bond of £50,000 has been agreed to be deposited with the Council under the Section 106 Agreement. The bond would only be required, if the measures such as the Routing Plan, Travel Plan and new signage were not fulfilling their aims and consistent breaches from the development site in relation to HGVs were substantiated.

The Council would be able to draw from the bond to undertake independent monitoring, recording breaches and possible enforcement procedures. The LDF Policy DP6 and emerging Local Plan policy IC1 sets out that the delivery of development may need to be managed through the use of review mechanisms to ensure necessary infrastructure is provided and acknowledges that conditions or a planning obligation may be used to secure this. The bond would be repayable after an agreed time.

Other measures in relation to non-HGV traffic are considered within the Routing Plan and Travel Plan. Whilst no monitoring of non-HGV traffic (with peak hour traffic levels increased not resulting in severe impacts) is proposed the Travel Plan seeks to reduce car usage to the site, and the Routing Plan will contain relevant information for routes which will be distributed to future staff. This will be within the remit of the Travel Plan coordinator, and a requirement for the businesses to sign up to. NYCC receive a fee for monitoring the introduction of the Travel Plan and its targets for reducing car usage are being reached. In addition, there are public transport initiatives proposed.

Whilst signage is proposed, the concerns are noted. The Local Highway Authority are satisfied with the proposed measures and additionally requested further improvements to the weight restriction signs in Asenby and on the A168. The LHA will receive the funds to source and install the signage.

To clarify this is the text from the publication draft Local Plan, included to illustrate the planning site history. The proposal is in substantial accordance with the allocation development guidelines and does not need to create an access onto Dalton Lane, nor is one anticipated.

Officer
(Section 2.0 Site History, Paragraph 2.3)

The modified text for "Allocation DAL 1: Extension to Dalton Industrial Estate" in the emerging Local Plan identifies the following development requirement:

"No heavy goods vehicles will be routed through Dalton or Topcliffe villages and appropriate measures must be put in place to ensure this exclusion".

Officer
(Clarification on Flood Risk and Drainage following committee site visit)

The drainage infrastructure detail is subject to consideration within the reserved matters applications. The majority of the site is within Flood Zone 1, which represents a low probability of river flooding. The Flood Risk Assessment (FRA) identifies the site is at low risk from river flooding. There is a risk of groundwater flooding in the northeast corner of the site. The FRA identifies that no specific measures are recommended to mitigate flood risk. Reserved Matters application should demonstrate within the detailed design that the development does not increase flood risk both on an off-site, and aims to improve flood risk where possible.

The watercourses of Cod Beck and Pit Ings Stell are close to the site. The Drainage Assessment (DA) subdivides the site into the Main Drainage area (Plot 1) and Southern Limb Drainage area (Plot 2). Main Drainage Area – The DA identifies the chambers and pipes which formed the drainage system for the airfield. An existing 450mm diameter pipe is located in the north east of the site, which passes under Dalton Lane before discharging into Cod Beck (this was confirmed with dye testing). The sewer currently or historically has received runoff from the site, and surface water drainage will be via this existing 450mm surface water sewer. Southern Limb – There is a Yorkshire Water adopted surface water drainage asset. The sewer conveys surface water from the Estate to Cod Beck/River Swale via Pit Ings Stell. The DA identifies this sewer appears to receive runoff from this area.

The basis for the drainage strategy is that the disposal of surface water is restricted to Greenfield run off rates, which were calculated. Attenuation storage is proposed, which will store surface water from impermeable areas which will be released at Greenfield restricted rates. The storage areas are likely to be distributed across the site to reflect the phased development.

Yorkshire Water confirmed that the closest point of discharge for foul water would be the foul water sewer to the south of the site. Foul water, along with any trade effluent, would drain via gravity to a proposed private pumping station on site prior to being pumped to public foul water sewer network in Dalton Industrial Estate.

The recommendation from the Lead Local Flood Authority, Environment Agency and Yorkshire Water have not raised any objections. No further information or clarification was requested from consultees in relation to the proposals. The applicants have provided a significant amount of information in support of the application, which has highlighted the needs for specific conditions from the LLFA and Yorkshire Water, this has been included within conditions 8, 25, 26, 27, 28, 29 and proposed condition 37.

Additional Condition - Condition 37 (Surface water site access). Prior to the completion of the site access a post construction scheme for surface water for Part b) Full Planning permission for creation of new main access and road spur as approved on drawings AMA/20573/SK006 shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the completion of the access and before development of any subsequent phase commences and shall thereafter be retained until the relevant phase with the detailed surface water drainage scheme which connects to the proposed site access has been approved and is operational.

Landscape - Condition 16 (Landscape and Ecological Management Plan) seeks to ensure that prior to the construction of any phase, that landscape details are approved. It specifies the submission of the type, size and densities or planting and a timescale for their planting. The landscape and habitat creation of the main site is likely to occur after construction of buildings and roads to ensure planting can be established in suitable planting seasons and avoiding damage from construction. To introduce planting in advance of construction potentially risks the success of the planting and habitat creation. However, the periphery of the site around the junction of Dalton and Eldmire Lane is sparse in locations and subject to infrastructure requirements a condition to secure the earlier establishment of planting is hereby proposed as follows:

Officer
(Clarification following committee site visit)

		<p>Officer (Clarification following committee site visit)</p>	<p>Additional Condition – Condition 38 (Landscape following completion of Access Part b). Prior to the commencement of Part b) Full planning permission for creation of new main access and road spur a Landscape scheme for the periphery of the site along Dalton and Eldmire Lane shall be submitted for the written approval of the Local Planning Authority. The scheme shall include a plan identifying the provision of landscape bunds, proposed species, heights and densities of planting and specifications for maintenance. The scheme shall be implemented in the first planting season in accordance with an agreed timescale in relation to the completion of the site access and any infrastructure delivery. The approved Landscape scheme shall be incorporated into the Landscape and Ecological Enhancement Plan required by condition 16 of this consent for each subsequent Phase of the development.</p> <p>Acoustic Fencing - Condition 17 (Boundaries) requires acoustic fencing where it is considered appropriate, taking into account that it is unknown what the final layout will be and therefore the position of acoustic fencing is not known. The construction management plan (condition 8) requires measures to protect existing residents throughout construction. This includes measures such as the submission of details of hoardings to screen the site, noise, dust and vibration control, construction traffic control and hours of operation alongside a raft of other arrangements to deal with construction impacts for nearby site residents and those within nearby villages. Acoustic fencing if it is required would be erected prior to occupation and maintained by the applicants.</p>
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2	<p>Afternoon Session Commencing at 13:30pm</p> <p>20/000008/FUL Bagby</p>	<p>Parish Council</p>	<p>Bagby and Balk Parish Council strongly object to the above application due to a number of reasons</p> <ul style="list-style-type: none"> · The development is close to family homes and the Parish Council along with many local residents is very concerned about noise from the proposed venue. The PC has received complaints about another wedding venue, which has allowed live music and is much further away than this proposed venue. Residents are worried about being stuck between two venues with live music on the same nights. This would result in loss of amenity for residents not being able to enjoy their own gardens. · The fact that this proposed venue will be self-managed really concerns the Parish Council as Councillors believe this would lead to large music events with no regard for local residents. · On a number of occasions Bagby and Balk Parish has raised concern about the danger of vehicles crossing the A19, especially in the dark. This venue has the potential to generate a large number of vehicles which would be leaving all at the same time, accessing the A19 in the dark. This is a real safety concern. <p>To summarise, Bagby and Balk Parish Council would like you to vote to refuse the above planning application for the above reasons.</p>
3	<p>21/00925/OUT Great Ayton</p>	<p>M. Rowbottom (additional public comments)</p>	<p>I continue to strongly object to this proposed development site.</p> <p>In document 2062818 the applicant argues against Hambleton's conclusion that housing needs can be accommodated by developments locally in the Stokesley area. They refer to the need for 33 affordable homes in Great Ayton. The development proposed here would only accommodate 8-15 such homes. The applicant has, therefore, clearly demonstrated that this proposed development is neither sustainable nor strategic, as it would not meet the affordable housing need and subsequent development elsewhere in the village would be required.</p>

Furthermore document 2062615 (Officer's Report) section 5.2 states that development outside defined development limits will only be supported in exceptional circumstances. What is exceptional about this proposed development?

Agent

There is some recent case law which states that there are varying degrees of both "substantial" and "less than substantial" harm in relation to heritage assets and the NPPF- which both cover a broad range of harm i.e. substantial harm does not simply mean total loss.

This has been supported by recent court judgements e.g. in R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin) in which the Court held:

34. In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm ...

The Court went on to say that even limited or negligible harm was enough to fall within the bracket of 'less than substantial harm':

34.... It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial, but it is equally the case that there will be a number of types of harm that will fall into less than substantial, including harm which might otherwise be described as very much less than substantial. There is no intermediate bracket at the bottom end of the less than substantial category of harm for something which is limited, or even negligible, but nevertheless has a harmful impact. The fact that the harm may be limited or negligible will plainly go to the weight to be given to it as recognised in Paragraph 193 NPPF. However, in my judgment, minimal harm must fall to be considered within the category of less than substantial harm.

Agent

Submitted Affordable Housing note, see attached.

		Officer Response	In this case it is considered that any need in the area could be met elsewhere in the parish or further afield. The benefits of providing 15 affordable units is not considered to outweigh the harm to the designated heritage assets.
4	21/01613/FUL Kirkby	Applicant	Anaerobic Digester - The applicant has confirmed that there is no necessity for a flare stack for the anaerobic digester system, instead the system uses what is in essence an expandable container to store any excess gas.
		Officer	Additional Conditions: <ul style="list-style-type: none"> • Prior to commencement of development, other than initial site clearance and formation of the access, a phase plan shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details. The plan shall ensure that all elements of the proposals are delivered in order to ensure compliance with the tests of paragraph 80 of the NPPF. • Prior to the installation of the Anaerobic digester, full details of the installation shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
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6	20/02491/OUT Raskelf	D. Lee (additional public comments) Officer	Further observation with annotated drawings from neighbour noting that in their view the alignment of the sewer is not shown correctly on the submitted plans. This is based on the inaccurate position of the inspection chambers. The matter of the alignment of the sewer is not a planning matter and is controlled by other legislation through the Building Regulations should a sewer diversion be required. This matter is covered in section 5.13 of the committee report.

Note on Affordable Housing in Great Ayton- Sept 2021

21/00925/OUT

David Holmes Properties Limited For H.W.Mawer Charitable Trust

The agent on behalf of the applicant asks that the following comments can be added to this planning application documents, in relation to the Officer's Report for the Planning Committee meeting on 23rd September 2021.

Officer Comment 1:

The applicant has indicated that the site could be supported as an exceptional case under CP4 part iii in that it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy. The applicant argues that a housing need survey for Great Ayton found a need of 33 affordable dwellings. The applicant considers that affordable housing need for Great Ayton cannot be met in other sub-areas within the district aside from Stokesley. Policy CP4, however, makes no such distinction and allows for provision within the whole hierarchy of settlements in the district. It is considered therefore that it has not been demonstrated that the proposal could gain support from Policy CP4 as an exceptional case for the provision of affordable housing.

The applicant disagrees that the Great Ayton Housing need can be met in other sub-areas beyond Stokesley.

According to Hambleton Council's Affordable Homes SPD 2015 there is a local connection mechanism by which those firstly in the parish then in the same sub-area are given priority (before looking at the whole district) which strongly disadvantages those looking for affordable homes outside their sub-area. Nor is it a well-functioning policy if people are forced to move large distances away from their jobs and existing networks of family and friends to find affordable housing. The Affordable Housing SPD states:

In the market towns affordable homes will be available to people with a local connection to the town or the surrounding sub-area parishes. In rural parishes, affordable homes will be available in the first instances to those with a connection to the parish (or group of parishes identified) and subsequently to people with a local connection to other parishes in the sub-area, excluding the market town.

The occupancy restriction to people with a local connection will apply to first and subsequent occupants of the affordable homes. If a local person in need of the accommodation cannot be found within the immediate parish(es) to occupy the home, a cascade mechanism exists to widen the search area to other parishes in the sub area and ultimately the District as a whole.

Given that in Hambleton there are 978 households on the housing waiting list (Local Authority Housing Statistics dataset England 2019-20) and 419 in a reasonable preference category- both records which do not capture all those in need of affordable housing- it is surprising that the HEDNA (June 2018)

concluded that there is a net need for 55 new affordable dwellings per annum. Nonetheless the applicant remains strongly of the opinion that residents of Great Ayton should not be forced to move away from Great Ayton to another sub-area to find affordable housing, who would in any case unlikely pass the local connection test to parishes in sub-areas elsewhere. The next nearest allocated site in the draft Publication version of the emerging Local Plan is 17 miles away from Great Ayton at Brompton.

Officer Comment 2:

The applicant refers to the Great Ayton Housing Survey Report March 2021 which identifies a need for 33 affordable dwellings in the area. The applicant claims that as there are no other allocations in Great Ayton the provision of affordable housing at this site would provide public benefit that could not be met on another site. It is considered, however, that affordable housing needs for the people of Great Ayton could be met in Stokesley and its hinterlands.

The applicant disagrees that the affordable housing need for Great Ayton can be met elsewhere in Stokesley or the Stokesley sub-area (or “hinterlands”).

According to the most recently released 2020 Office for National Statistics data, Hambleton is the third most unaffordable area to live in Yorkshire, just behind Harrogate and York, with a ratio of median house price to median gross annual earnings of 9.05, or 8.91 for the ratio of lower quartile house price to lower quartile gross annual income. These income multiples (9x earnings) are higher than ratios for which it is possible to obtain a mortgage, making housing amongst the most unaffordable not just in Yorkshire but in the country as a whole.

The submitted March 2021 Housing Needs survey for Great Ayton shows that of the 33 households indicating affordable housing need, 17 wish to rent a property, 15 wish to buy an affordable home ownership product and one has indicated affordable housing need but not stated which tenure. This figure is likely to be an underestimate of the true need as only those already living in Great Ayton were surveyed, it did not include those living outside Great Ayton with a local connection to the village who wish to return.

The private rental market is a useful barometer of a well-functioning local housing market. There is presently just one property on Rightmove available to rent in the whole of Great Ayton (and one in Stokesley) which shows clearly the imbalance of supply and demand, at any price level.

The Stokesley sub-area is made up of 25 parishes, including Stokesley (4,757 population) and Great Ayton (4,629 population), with a total population according to the 2011 census of **16,604** (or **7,219** households applying the Hambleton average of 2.3 people per household).

The following Hambleton Council data shows the total number of new affordable dwellings in Hambleton as well as the Stokesley sub-area over recent years:

New affordable dwellings in Hambleton District and Stokesley sub-area:

	Total in Hambleton	Stokesley sub-area	Stokesley Parish
2015-2016	125	0	
2016-2017	181	2	Stokesley
2017-2018	59	8	Stokesley
2018-2019	123	28	Stokesley
2019-2020	211	64*	Stokesley and Great Ayton
2020-21	144	21	Stokesley and Great Broughton
Average per annum	141	21	
2021-2035 Total		91?	
Average per annum		7?	

*This figure includes 40 affordable extra care apartments at Fry Court, Great Ayton. There have been no other new affordable dwellings in Great Ayton since 2011 when Broadacres Housing Association constructed 8 new affordable homes.

There are a number of points to make in reference to the delivery of affordable homes in Hambleton and specifically in the Stokesley sub-area:

- The average annual delivery of new affordable dwellings between 2015 and 2021 is **141** in the Hambleton District and **21** in the Stokesley sub-area.
- 21 new affordable dwellings per annum in the Stokesley sub-area equates to just 0.3% of households in the Stokesley sub-area. This compares to a national average of 6.9% of households in need of social housing according to a 2020 National Housing Federation Survey.
- The North Yorkshire Strategic Housing Market Assessment (2011) concluded that affordable housing needs had increased and that there was a need for an additional **320** affordable homes annually (up to 2016) in Hambleton, with the respective figures for the Stokesley sub-area and Stokesley being **47** and **26** each year respectively. The figures in the 2011 SMA were to make up for the under-delivery of previous years, to be made up over the subsequent 5 years. This shortfall was not made up by 2016 and given that on an affordability basis since then housing has become less rather than more affordable, it is surprising that the Hambleton HEDNA (2018) identified a need for just 55 affordable dwellings per annum across the district as a whole.
- The delivery of affordable homes since 2015 in the Stokesley sub-area has come almost entirely from sites **allocated** in the current Local Plan: the Stokesley Grange Taylor Wimpey site (57 affordable dwellings completed), Fry Court Great Ayton extra-care apartments (40 affordable extra care apartments completed) and the Mulgrave Great Broughton development (7 affordable dwellings completed).
- The main exception to this- where affordable dwellings have come from an unallocated site- was Tanton Fields Keir Living development for 225 dwellings in Stokesley which was granted

permission at appeal in 2015. The Inspector concluded that Hambleton was unable to show a 5 year supply housing and this appeal was allowed on the proviso that 50% of these dwellings would be affordable (113 dwellings). The construction of this site is currently underway- 9 of these affordable dwellings have been transferred already to Housing Association and the balance of affordable dwellings will be completed in the next few years following adoption of the new Local Plan. There has however been an application made by this developer in 2021 to vary the affordable delivery to 30% which would mean if approved there would be a reduction in affordable dwellings from 113 to 68 (i.e. a further balance of 59 affordable homes to be delivered). This application has not yet been determined however the emerging Local Plan policy for affordable homes contribution in the Stokesley sub-area is to be reduced from 50% to 30% which would mean this amendment would be policy-compliant if the new Local Plan is adopted.

- There is just one allocation for the Stokesley sub-area in the emerging Local Plan if this Great Ayton allocation is removed following the Main Modifications consultation: Taylor Wimpey site STK 1 in Stokesley allocated for 105 homes (of which 32 would be affordable at 30%).
- There is no history for the Stokesley sub-area of unallocated windfall sites delivering large numbers of new affordable homes. Windfall sites over recent years have tended to be for 5 homes or less, on which no affordable homes are required. Although there is a main modification proposal in the emerging Local Plan to remove the reference to minor development in the windfall development policy (so instead of being capped at nine dwellings, new windfall sites could potentially be larger), it is still very likely that the bulk of windfall sites will be small sites and it therefore seems imprudent to rely on new windfall sites as a reliable source of significant numbers of new affordable dwellings in the Stokesley sub-area given the absence of any history proving this method of delivery of affordable dwellings.

The conclusion from this assessment is that new affordable home delivery in the Stokesley sub-area could be as low as 91 dwellings in total until 2035 (i.e. 59 + 32), an average of just 7 new affordable dwellings per annum. This would be for all 25 parishes in the Stokesley sub-area (7,219 households) not just in Great Ayton, including as well the needs of the larger settlement of Stokesley- or just the equivalent of 0.01% of households in this area per annum. Based on past projections and past delivery and the existing affordable housing need in Great Ayton alone, this number seems substantially lower than the numbers of affordable homes required.

The applicant does not believe there is any evidence to agree that the affordable housing need for Great Ayton can be met elsewhere in the Stokesley sub-area, other than by windfall delivery of which this site could be one if removed from the emerging Local Plan following the main modifications consultation. Nor is it considered fair that those in need of affordable housing in Great Ayton should be required to move to another town or village away when there is an opportunity to meet the housing needs of these people locally in the village.