

**Parish: Aiskew**

**Ward: Bedale**

**1**

**Committee date: 7 April 2022**

**Officer dealing: I Nesbit**

**Target date: 19 March 2021**

**20/02882/OUT**

**Outline planning application with access considered for the development of up to 88 dwellings on land at Blind Lane, Aiskew**

**At: Store at Old Hatchery, Blind Lane, Aiskew**

**For: Blind Lane Land Limited**

**Having resolved to grant planning permission (subject to the completion of a Section 106 agreement) on 18<sup>th</sup> November 2021, this application is referred back to the Planning Committee due to the subsequent adoption of the Hambleton Local Plan (“the Local Plan”) on 22<sup>nd</sup> February 2022 before the planning permission could be issued, due to delays in the signing and sealing of the Section 106 agreement.**

### **Update**

- 1.0 Members will recall that the application was originally deferred at the October 2021 Planning Committee owing to a number of concerns expressed by Members about the proposed development. It was then reconsidered at the November 2021 Planning Committee where Members resolved to approve the application subject to a Section 106 agreement to secure the affordable housing provision and the provision and future management and maintenance of the public open space.
- 1.1 As mentioned above, planning permission was not issued in accordance with the Planning Committee’s resolution before the adoption of the Local Plan on 22<sup>nd</sup> February 2022 due to delays in being able to sign and seal the Section 106 agreement. It is therefore necessary for the Planning Committee to reconsider the planning application in accordance with the policies of the Local Plan, rather than the policies of the now superseded Local Development Framework (LDF)
- 1.2 The format for the Officer Report for the November 2021 Committee Meeting was in two parts. The first part providing an up-date to Members on the matters of concern raised at the October 2021 meeting. The second part of the report remained as previously reported to Members for the October 2021 meeting, including items originally reported on the update list along with additional comments from the Parish Council. For ease of reference, this format has been retained, although all parts of the report have been updated to take into consideration the adoption of the Local Plan.
- 1.3 The matters of concern related by Members (at the October 2021 Committee meeting) comprised of the following:
  - Use of Blind Lane for access
  - Adoption of Bluebell Way
  - Traffic modelling of Bluebell Way
  - Deliverability of affordable housing

- 1.4 North Yorkshire County Council Highways Officer was asked to provide comments on the use of Blind Lane either as temporary construction access or permanent access to the development. The Officer returned the following comments: *The Highway Authority has been asked for its opinion on the use of Blind Lane as a temporary access into the land between the railway and Bedale Road. Blind Lane is not an adopted road and remains the property of residents as the County Council understands. The note supplied by the developer suggest they have a right of access over Blind Lane. If this is the case then this route could be used by construction vehicles on a temporary basis. The Highway Authority would not support this route as a permanent access for vehicles travelling to the development.*
- 1.5 *Blind Lane itself is of sufficient width for vehicles to pass if the tarmac area and concrete area are used. The construction of the area is unknown and may be damaged by heavy vehicles using the route so the developer is likely to be responsible for its repair. It is noted that residents appear to use the concrete area as parking.*
- 1.6 *The junction onto Bedale Road would need to be improved to stop any over running and a new kerb line would be expected to be installed by the developer on both sides of the junction. The pedestrian island on Bedale Road may need to be temporary relocated. Suggest the developer needs to provide tracking details showing if HGVs could turn at the junction and avoid the island. Visibility at the junction is sufficient and beyond the 45m by 2.4m splay expected.*
- 1.7 The matters of concern were also put to the agent who provided the following responses.

#### Use of Blind Lane

- 1.8 The section of road between the development site and Bedale Road is currently in the ownership of 5 different parties. Part of Blind Lane is also referred to as unregistered "white land". To deliver an adopted road to the site NYCC would require a road of 5.5m width with 2 x 2m footways in line with the NYCC Residential Design Guide. This would need to be delivered under a Section 38 Agreement (S38) with 'White Land' adopted under a Section 228 Agreement (S228).
- 1.9 S228 of the Highways Act is used to adopt 'white land' where no ownership is known to exist and the land is considered to already operate as highway. The process requires the applicant to construct an adopted road layout then seek the road's adoption which is then advertised at risk to any objections from third parties or landowners claiming to own any section of the 'white land'.
- 1.10 The agent also indicates that for the S38 (areas of land belonging to residents of Blind lane/Bedale road), all landowners would need to provide their consent for their respective areas of ownership to be dedicated for adoption. The applicant and landowner have sought over a period of years to achieve this, however existing owners are unwilling to sell their land.

- 1.11 Given the position with known land ownership it is considered that the S228 process for the unregistered/unknown ownership land would not help to achieve an adoptable access to the development. On this basis access via Blind lane is not considered deliverable.
- 1.12 The agent also highlights that the Allocation Policy BH2/BH3 indicates that access should be taken through the adjacent development and that the Highways Officer is satisfied that Bluebell Way has appropriate capacity to accommodate the development and has been built to an adoptable standard.
- 1.13 With regard to the use of Blind Lane for construction vehicles the agent indicates that the applicant has suitable access rights over Blind Lane for this purpose and that this is the preferred option for construction vehicles. It should be noted that a Construction Management Plan covering the routing of construction vehicles forms part of the conditions recommended by the Highways Officer (condition 10).
- 1.14 With regard to the nursing home site the agent indicates that this development generates a minor number of traffic movements to / from the site which would be of a negligible impact on Blind Lane. On this basis NYCC Highways as the Local Highway Authority have accepted that Blind Lane need not be adopted to enable access to / from the nursing home as the existing provision is adequate.

#### Adoption of Bluebell Way

- 1.15 The adjacent site is bound by a Section 38 Legal Agreement with NYCC as the Local highways Authority which requires Linden Homes to deliver suitably adopted roads / footways / street lighting / drainage etc. The LHA has a bond in place for the complete value of the S38 works which can be drawn upon to complete any outstanding works or the adoption process should they wish to do so if Linden delay or do not complete this process in a timely manner. There is therefore no risk that Bluebell Way and the wider existing residential estate would not be adopted in the near future.

#### Traffic Modelling of Bluebell Way

- 1.16 With regard to traffic modelling the agent has provided the following commentary: The Transport Assessment (TA) has assessed the scheme in line with NYCC Highways and planners requirements to an agreed scope. This ensures robust capacity assessments have been undertaken covering both traffic growth to a future year and committed developments in all junction capacity assessments. This includes growth of baseline traffic to a 2025 assessment year based on local traffic growth rates (Tempo) and inclusion of the two consented Taylor Wimpey applications north of Bedale (Refs 15/01240/OUT and 20/00497/FUL). The development is then modelled in the future baseline (2025) + Committed Development + Proposed Development to ensure the robustness of the assessment upon each of the junctions assessed in the TA, each of which are considered by NYCC Highways to have ample capacity. The development would result in approximately a single additional vehicle on the Local Highway Network per minute in the worst network peak hour (PM Peak) of the day.
- 1.17 The TA does not undertake any assessment of any further land to the east as this is not within the ownership of the applicant and does not form part of this standalone

planning application. However, any potential future application for development on land to the east would have to take into account the traffic of this scheme (should the Council be minded to approve it) as a planning commitment. It should be noted that the LDF policy allocation for the application site requires a potential access to be provided to land to the east to be retained. The proposals are capable of facilitating this.

- 1.18 A further minor query was raised relating to the proposed community hall and any highway impact that may result from use. Such uses occur outside of highway network peaks and are spread during off-peak hours resulting in a negligible impact on highways capacity. In addition, by virtue of its use as a community amenity, it is considered that a high proportion of users would be accessing the site by non-car modes and as such would be imperceptible in terms of traffic movements.

#### Deliverability of affordable housing

- 1.19 At the October Committee meeting the deliverability of 30% affordable housing was queried. This follows on from viability issues at the nearby site at Wilbert Farm where asbestos removal substantially increased the abnormal costs of development triggering a reduction in affordable housing provision.
- 1.20 In this case the applicant is not the developer. During the life of the application a developer has been identified and an agreement entered into based on the principle of 30% affordable housing.
- 1.21 This permission will be based on the assumption of 30% affordable housing (which will be delivered through a S106 agreement) and any change to this would need to be assessed on its merits at the time. The Council's affordable housing policy is a target and is subject to viability. Given that this site is allocated for housing development, additional supporting weight from the provision of affordable housing is not required to support the principle of development and as such it is considered unnecessary for a viability appraisal to be submitted with this policy compliant submission.

## **2.0 Site, context and proposal**

- 2.1 The application site is located on the south east side of Aiskew – south of the A684 and north of the Wensleydale Railway. The site features a number of agricultural and commercial buildings previously used as a piggery and hatchery respectively. The applicant indicates that part of the hatchery site is occupied by a tenant for storage and food processing and the piggery which has been vacant for a number of years is now semi-derelict and overgrown.
- 2.2 The site is split in two by a mature leylandii hedge/tree line with the piggery buildings to the north and the hatchery to the south. An area of open space lies to the south. Existing access can be gained firstly from Blind Lane via an unadopted road, secondly via a shared track between 54 and 56 Bedale Road and thirdly from the south over the Wensleydale line. A public right of way runs along the western boundary of the site linking Bedale Rd to Love Lane through Blind Lane.

- 2.3 The application site forms part of allocations BH2 and BH3 as follows: *BH2 Pig Farm Aiskew (1.1ha), BH3 South East of Aiskew (5.8ha)* These linked sites are allocated for housing development, subject to:
- i. development of Site BH2 being delivered in Phase 1 (up to 2016), at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 38 dwellings (of which a target of 40% should be affordable);*
  - ii. development of Site BH3 being delivered in Phase 1 (up to 2016) and Phase 2 (2016-21), at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 203 dwellings (of which a target of 40% should be affordable);*
  - iii. types and tenure of housing developed meeting the latest evidence on local needs;*
  - iv. suitable and satisfactory access being gained to the sites from the A684 and an appropriate design and loop layout of the development being achieved;*
  - v. potential access from this site to Site BM2 adjacent being retained as part of the design and layout of any development of Sites BH2/BH3;*
  - vi. contributions from the developer towards providing public open space, enhancement of footpath and cycleway links including the public right of way which crosses this site and along the Wensleydale Railway route, including improvements to Bedale Bridge and any sewerage and sewage disposal infrastructure improvements required to accommodate new development in the area; and*
  - vii. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.*
- 2.4 To the east is an area of open space which forms part of the allocation. To the north, west and south west of the site is residential development. To the south is the Wensleydale Railway line with open countryside beyond. The site appears generally flat with the topographical survey indicating a gentle slope from north west to south east.
- 2.5 The application is in outline for residential development up to 88 units. The only matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.
- 2.6 It is proposed that the main access be taken from the west through the neighbouring development via Bluebell Way. Emergency and further pedestrian access is to be taken from Blind Lane.
- 3.0 Relevant planning and enforcement history**
- 3.1 81/0144/FUL - Extension to Existing Chicken Hatchery - Granted
- 3.2 87/0188/FUL - Alterations to Two Existing Bungalows - Granted
- 3.3 00/50017/P - Change of use of existing disused chicken hatchery to the manufacture and packing of organic and traditional food and drink - Granted

3.4 04/00072/FUL - Construction of a timber store and amendment to Condition 03 of planning consent 2/00/004/0092F – Granted

Adjacent sites:

3.5 Land To The South Of 28 Bedale Road 14/01228/FUL - Construction of 41 no. dwellings, provision of access and associated landscaping – Granted

3.6 Land To Rear Of 28 – 34 Bedale Road 11/02543/FUL - Construction of 59 dwellings and associated roads, sewers and landscaping -

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

4.1 The relevant policies of the Hambleton Local Plan are as follows::

S 1: Sustainable Development Principles

S 2: Strategic Priorities and Requirements

S 3: Spatial Distribution

HG 2: Delivering the Right Types of Homes

HG 3: Affordable Housing Requirements

E 1 : Design

E 2 : Amenity

E 3 : The Natural Environment

E 4 : Green Infrastructure

E 7 : Hambleton's Landscapes

IC 1 : Infrastructure Delivery

IC 2 : Transport and Accessibility

IC 3: Open Space, Sport and Recreation

RM 1 : Water Quality and Supply

RM 2 : Flood Risk

RM 3 : Surface Water and Drainage Management

RM 4 : Air Quality

RM 5 : Ground Contamination and Groundwater Pollution

Housing SPD (Consultation Draft)

National Planning Policy Framework (NPPF), July 2021

Planning Practice Guidance (PPG)

#### **5.0 Consultations**

5.1 Parish Council –

- Aiskew and Leeming Bar nearing size of Bedale with little or no facilities. CIL money will have to help support facilities development.
- Wensleydale Railway concerned about extra use of level crossing by pedestrians, so ask that the developer put in a proper pedestrian crossing with kissing gates.
- Wensleydale Railway also concerned about run off flooding their line.
- Gates at level crossing should remain closed, but don't, so how will the developer confirm that the bollards are put back.
- Lane doesn't just support the house, there is also a riding stables down there, how will deliveries get down to the house?
- The access through Bluebell does not seem the most direct route, why have others been discounted?

- Sycamore and Bluebell already populated and roads quiet / not always wide enough with cars parked on it, as linden only designated off road one space to many houses when we know that many households are two cars.
- Sycamore Ave and Bluebell understood to not yet be adopted? (Residents have confirmed this)
- Who owns Blind Lane?
- If this route into site is the only one, then we would request that a condition is that construction traffic does not use it.
- Can we confirm that the sewer system can take the extra load?
- PC are happy with this land being used for development if the above can be addresses and dealt with.

5.2 Highway Authority – No Objections subject to conditions

5.3 North Yorkshire County Council Footpaths – a public right of way runs within or adjacent to the site, provides standing advice

5.4 Ramblers – Footpath should not be subsumed by development, should be retained as a separate countryside path. Rail crossing may require improvement, long term proposal for a cycle path Bedale-Northallerton.

5.5 Lead Local Flood Authority - recommends the application is not approved, further info requested 24.09.2021 response from agent that not forthcoming, awaiting final Lead Local Flood Authority comments

5.6 Yorkshire Water – recommend conditions but also additional information

5.7 Natural England – No comments

5.8 Yorkshire Wildlife Trust – Object until the applicant can show that a net gain for biodiversity can be achieved.

5.9 Network Rail – recommends conditions in relation to drainage, boundary fencing, method statements, soundproofing and landscaping

5.10 North Yorkshire Police Designing Out Crime Officer – acknowledges that the application is in outline, provides recommendations to be incorporated into the reserved matters application.

5.11 MOD – Site occupies the statutory aerodrome height, technical, and bird-strike safeguarding zones, this should be considered at reserved matter stage. Advice given on design and points of interest for MOD.

5.12 Environmental Health Officer – Noise Assessment required at RM stage

5.13 Wensleydale Railway – No objection subject to improvements to the crossing secured via S106 agreement

5.14 NHS North Yorkshire CCG – Request healthcare funding contribution (this is covered by CIL)

- 5.15 Public comments – 19 letters of representation were received from 17 member of the public raising the following issues:
- Increased traffic and highways safety
  - Current access through Bluebell Way is badly designed and not yet adopted
  - Impact on safety of existing residents including children due to changes in nature of the road and its use
  - Wear and tear on Bluebell Way due to increased traffic
  - Blind Lane is preferable to Bluebell Way for access
  - Blind Lane should not be used for access to the development
  - Blind Lane could become a rat run
  - Impact on climate change (development should reduce carbon emissions)
  - Lack of improvement to local services (need for GP and Community Hall, pressure on schools)
  - Does not comply with the strategic objectives in the Core Strategy
  - Impact on biodiversity
  - Large volume of development away from the town centre
  - Impact on residential amenity through noise, pollution, privacy and security
  - Development would tidy up an unsightly site

## 6.0 Analysis

6.1 The main issues to consider are:

i) principle of development; ii) Access and Highways Safety; iii) Drainage; iv) Affordable housing and Housing Mix; v) Amenity; vi) Open Space and; vii) Biodiversity

Principle

- 6.2 The starting point for this assessment was through the housing land allocations contained in the Local Development Framework along with the resolution of the Planning Committee to approve a housing scheme on this site. These remain a material consideration in the determination of this application. Under the now superseded LDF, the application site was made up of two separate but adjacent housing site allocations - BH2 and BH3. Neither of these two LDF allocations were carried forwarded as allocated sites within the adopted Local Plan.
- 6.3 Policy S3 (Spatial Distribution) includes a settlement hierarchy to inform the distribution of development and locate development in locations that have good access to a range of services and facilities. Bedale with Aiskew is defined as 'Market Town' within the settlement hierarchy, and along with the other four defined Market Towns will (as stated within S3) be the focus of growth within the District due to their size and concentration of services and facilities. However, the Local Plan is clear that the housing delivery of 315 homes per year will be met through the delivery of housing on the allocated sites within the Local Plan. These site allocations are specified within HG1 (Housing Delivery) and are located within the five Market Towns and a small number of the defined Service and Secondary Villages in the settlement hierarchy of S3. As mentioned above, the application site is not wholly or partly within a site allocation in the Local Plan and therefore housing development on this site is not supported by the strategic or housing-related policies of the Local Plan.

- 6.4 It should also be noted that policies HG4 and HG5 of the Local Plan do support 'exception' and 'windfall' housing developments on non-allocated sites in specific circumstances. However, the proposed scheme as submitted and the location of the application site are such that the proposed development would fail to meet all of the relevant criteria to be supported as exception or windfall housing in respect of policies HG4 (Housing Exceptions) and HG5 (Windfall Housing Development).
- 6.5 Planning legislation is clear that to the extent that development plan policies are material to a planning application, the determination of the application must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. While the proposed development is not supported by the strategic and housing policies of the recently adopted Local Plan, an important material consideration has to be the extremely advanced stage of the application, otherwise in accordance with the former LDF at the point of the adoption of the new Local Plan.
- 6.6 It is worth recalling that the Planning Committee resolved to conditionally approve the current application at the November 2021 meeting, subject to the completion of a Section 106 agreement to secure the affordable housing and management and maintenance of the public open space. It was only due to difficulties in being able to have the Section 106 agreement signed by all of the interested parties before the adoption of the Local Plan on 22<sup>nd</sup> February that has prevented the planning permission from being issued in accordance with the Committee's resolution. It is understood that the S106 is now ready to be signed. No alterations or amendments have been made to the application since its consideration by the Planning Committee in November. To apply the requirements of the new strategic and housing-related policies of the Local Plan in the absence of weight given to the LDF and former Committee resolution would likely result in a recommendation of refusal of a development that the Planning Committee has already resolved to approve, albeit under the policies and allocations of the now superseded LDF (with only limited weight given at that time to the policies of the then emerging Local Plan).
- 6.7 To determine the application in accordance with the strategic and housing-related policies of the Local Plan would result in an otherwise sustainable and acceptable housing development being refused, and one which already benefits from a Committee resolution to approve. This would not be in the spirit of paragraph 38 of the NPPF which expects LPAs to approach planning decisions in a positive and creative way, and which states that decision-makers should seek to approve applications for sustainable development where possible.
- 6.8 In conclusion, it is therefore recommended that Members give significant weight to the advanced stage of the application and to the previous Committee resolution to approve planning permission for this proposed scheme as important material considerations in the overall planning balance when considering the application within the context of the newly adopted Local Plan.

#### Access and Highways Safety

- 6.9 IC 2 (Transport and Accessibility) of the Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and

public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.

- 6.10 The access arrangements for the proposals have been based on the allocation policy of the now superseded LDF which indicated that access to the development should be taken from the adjacent development via Bluebell Way. Ownership issues and proximity to the mini roundabout at Sandhill Lane have resulted in Blind Lane being discounted as the preferred main access point.
- 6.11 Blind Lane is a private road providing access to two properties located on the south eastern side of the Wensleydale Heritage Railway Line. The applicant has agreement with the owners of Blind Lane that the private road be retained across the extended Bluebell Way, affording access only to those two properties. During the life of the application the method of controlling the access to blind Lane has been altered. Originally gates and fixed kerbing (preventing any turning) were proposed. This was then altered to two sets of drop-down bollards and fixed kerbing to the north and south of the Bluebell Way extension.
- 6.12 The final proposal is a single set of manually operated drop-down bollards and fixed kerbing on the northern section of blind lane only. Access can therefore be gained from the southern part of Blind Lane through to Bedale Road via Bluebell Way and vice versa. This allows for unexpected visitors, post and deliveries etc to these properties whilst retaining the right of access over Blind Lane but discouraging its general use by residents of the new development. It is anticipated that the northern section of Blind Lane will be accessed through the bollards by keyholders for example for movement of larger agricultural vehicles.
- 6.13 A Public Right of Way runs along the south western boundary of the application site, linking Bedale Road to Love Lane. The existing alignment of the Public Right of Way will be retained and a new pedestrian link will be gained from Bluebell Way.
- 6.14 North Yorkshire County Council Officers were consulted and returned the following final commentary: The proposal to develop land to east of Blind Lane takes advantage of the possible link from the Linden Homes development to the west of Blind Lane. The applicant wishes to extend Blue Bell Way into the proposed site. The highway authority does not object to this proposal as it has been shown by the developer that the existing road network has spare capacity to extend the residential development into the adjoining land. The junctions at Blue Bell Way/ Sycamore Ave and Bedale Road/Sycamore Ave have visibility splays which meet the requirements set in Manual for Streets design standards of at least 2.4m by 43m in both directions. The developer has shown that large vehicles can enter and leave the site along Sycamore Ave and Blue Bell Way in the construction phase although the contractor will have to take control of any delivery to ensure access is possible.
- 6.15 The Highways Officer has recommended a number of conditions relating to detailed layout and plans, verge crossing specifications, visibility splays, parking, removal of permitted development rights, travel plan delivery, and a construction management plan. Overall, and subject to these aforementioned conditions, it is considered that the proposed development would comply with the requirements of Policy IC 2 of the Local Plan.

## Drainage

- 6.16 Policy RM 3 (Surface Water and Drainage Management) of the Local Plan relates to surface water and drainage management. Of relevance to this case is the requirement that SuDS be incorporated in the drainage design.
- 6.17 Paragraph 167 of the National Planning Policy Framework states that: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 6.18 Paragraph 169 states: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.
- 6.19 Paragraph 80 of Planning Practice Guidance indicates that generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- into the ground (infiltration);
  - to a surface water body;
  - to a surface water sewer, highway drain, or another drainage system;
  - to a combined sewer.
- Particular types of sustainable drainage systems may not be practicable in all locations.
- 6.20 The Geo-environmental report submitted with the application indicates that the site is unsuitable for infiltration/soakaway drainage due to ground conditions. The Flood Risk Assessment submitted with the application indicates that in order to connect to Bedale Beck, the nearest waterbody, the drainage system would need to cross a considerable amount of third party land and has therefore been deemed unfeasible.
- 6.21 Survey of the site has identified an existing surface water drainage system. This system connects to an offsite system to the east. Whilst it has not been confirmed where the ultimate discharge point is the applicant has argued that the existence of the system, which has drained the site so far, is sufficient to show that the site could be adequately drained. In addition, there is also an option to connect to existing systems at Badger Hill Drive and Elm Tree Lane (subject to agreement).
- 6.22 The Lead Local Flood Authority were consulted and have agreed that the information submitted is sufficient for this stage of the development and that the remaining information can be secured by conditions. Conditions are recommended relating to detailed design, run off rates, storage, maintenance, outfall destination/impact on network and exceedance flow routes. Subject to the aforementioned conditions, the proposed development would be in accordance with the requirements of Policy RM 3 of the Local Plan.

## Housing Mix (Types, Sizes and Tenures) Affordable Housing and National Space Standards

- 6.23 Policy HG3 (Affordable Housing Requirements) and the Council's Housing SPD (consultation draft) requires that the affordable homes are pepper-potted throughout the site. As the application is in outline with access only considered this will be dealt with at Reserved Matters stage. There is a requirement in Policy HG2 (criteria g) for all homes to meet the National described Space Standards (NDSS) Although no details have been provided with this application to suggest that the national space standards would be met, this is not unexpected given that the application is at outline stage. It is recommended that a condition is imposed which requires the detailed design of the dwellings to meet the NDSS.
- 6.24 Through discussions with Registered Providers operating in the area the Council's Housing Officer has indicated that the offer should include good size two bedroom bungalows, 4 or 8 one bed quarter houses, 3 – 4 four bed houses and a mix of two and three bed houses. This is in general accordance with the requirements of Policy HG2 (Delivering the Right Type of Homes of the Local Plan. Following discussions between the Case Officer, the Council's Housing Officers and the agent, a tenure split of the affordable units has been provisionally agreed of 70% social rent and 30% intermediate tenure (which will be secured through a Section 106 agreement) unless evidence can be provided for an alternative split. This in turn should be supported in writing by the Registered Provider to whom the homes will be transferred.
- 6.25 The supporting statement indicates that affordable housing can be provided on site subject to viability. The agent has indicated that 30% is proposed in line with the requirement of Policy HG3 (Affordable housing Requirements) of the Local Plan. This (along with a tenure mix mentioned above) will be subject of a Section 106 agreement should it be resolved to approve planning permission.

#### Amenity

- 6.26 Policy E2 (Amenity) of the Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 6.27 The justification for the allocation at this site indicates that "these sites are proposed for development because the redevelopment of the pig farm and hatchery for housing will improve the residential amenity of the area and minimise the need to develop more open greenfield sites".
- 6.28 An indicative plan has been submitted with the application showing how the proposed dwellings could be accommodated within the site. Given the density outlined above at 32 dwellings per hectare, it is considered that the dwellings could be sited within the site in a manner which would provide a suitable level of amenity to future occupiers.
- 6.29 The Council's Environmental Health Officer was consulted and they have recommended that a noise assessment be submitted with any Reserved Matters application. The assessment should detail how the proposed properties will be protected from the impact of noise from the railway line. The Environmental Health

Officer considered that given the proximity of nearby residential development to the railway line it would be unreasonable at this stage to require this work to be done at outline stage. Overall, the proposals are considered to comply with the requirements of Policy E2 of the Local Plan.

#### Open Space

- 6.30 Appendix E of the Local Plan indicates that amenity greenspace, a play area and facilities for young people are required on site.
- 6.31 A financial contribution towards improvement of existing provision may be considered appropriate where existing provision lies within the walking distance guideline of the development and providing the quantity standard is achieved.
- 6.32 Approximately 200m to the north is the Cherry Grove/Kingfisher Drive recreation grounds. This includes open green areas, playing fields and various play equipment. As the development site is separated from these facilities by Bedale Road it is considered acceptable that on site provision be made for a LEAP. Given the proximity to the existing recreation grounds a contribution towards the maintenance of this area may be acceptable to address the requirements for amenity space and facilities for young people generated by the development. In this case as the application is in outline and the layout has not been designed a condition is recommended requiring the submission of a scheme for the provision of open space.

#### Biodiversity and Green Infrastructure

- 6.33 In accordance with paragraph 180 of the NPPF, Policy E3 (The Natural Environment) of the Hambleton Local Plan expects all development to demonstrate the delivery of a net gain for biodiversity, with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated. The application site is within an area designated in the Proposals Map of the Hambleton Local Plan as a green infrastructure corridor. Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure.
- 6.34 An Ecological Appraisal was carried out by Smeeden Foreman Limited and the subsequent report submitted in support of the application. The report includes a desk study of relevant information including designated nature conservation sites and existing records of protected species, an initial site survey (extended phase 1 habitat survey) and species-specific surveys in respect to bats. The report indicates that there are no statutory or non-statutorily designated sites located within 2km of the application site.
- 6.35 The report indicates that the principal habitats within the application site are generally considered to be of low conservation value, predominantly comprising species poor semi-improved grassland, buildings and associated areas of hard

standing. The trees, areas of scrub and hedgerows within the site are considered to be of some conservation value, as these provide suitable habitat for breeding and roosting bird species, bats and small mammals such as hedgehogs.

- 6.36 Potential for foraging/commuting and roosting bats was identified and the site was subsequently surveyed. It was found that bat use of the site was generally low with activity limited to the eastern and western boundaries. Activity was predominantly common and soprano pipistrelle, with very limited use by Myotis and brown long eared bats.
- 6.37 Initial building inspections found no signs or evidence of roosting bats in any of the buildings. Subsequent emergence/re-entry surveys of the buildings found no evidence of roosting bats with a low number of bats recorded commuting/foraging within the vicinity of the buildings.
- 6.38 Two trees on the site have been identified for removal and were therefore subject to emergence surveys. No roosts were found, however, it is recommended that these are re-surveyed prior to felling. It is also recommended that if any other trees are identified for removal that these also be surveyed prior to works.
- 6.39 No Species of birds which are protected by Schedule 1 of the Wildlife and Countryside Act 1981 were recorded within the site. In addition, no nests were noted within the buildings on the site. As all wild birds are protected during breeding it is recommended that any site clearance works take place outside of breeding season (March – August inclusive). It is also recommended that the building be re checked for nests prior to demolition.
- 6.40 Breeding tawny owl were identified using trees north of site during the 2020 bat transect surveys. Activity was recorded to the north of the piggery site, calling from conifer trees and demonstrating defensive behaviour at a nest site. Audible calls from juvenile birds were confirmed by the surveyor. Tawny owl are an Amber-listed species of conservation concern. It is recommended alternative nest provision is provided within the new development by installation of a nest box upon a suitable retained tree on site.
- 6.41 One badger record was provided within 2km of the site but no signs of badger were recorded within or adjacent to the site during the survey. Due to the presence of suitable habitat in the surrounding local area it is anticipated that badger may access the site for foraging and commuting purposes. Precautionary working methods are therefore recommended to be adopted during construction works to prevent accidental harm or injury.
- 6.42 Yorkshire Wildlife Trust were consulted and requested the submission of a Biodiversity Net Gain Assessment. This was subsequently submitted and included the use of the DEFRA Biodiversity v2.0 Metric. Based on the indicative layout the development is likely to result in a 7.85% loss for habitat units and 32.63% gain for hedgerow units.
- 6.43 The Metric does not count biodiversity enhancements with respect to species (such as bird and bat boxes) and therefore biodiversity net gains attributed to these enhancements are not reflected within the measurable results obtained from the Metric. Additional measures including permanent bat box provision, gaps below

fencing to maintain connectivity for hedgehog and a range of bird boxes for species of known conservation concern (house sparrow, starling, house martin and tawny owl), whilst not reflected within the calculation, could contribute to biodiversity gains within the site.

- 6.44 In this case, given the outline nature of the application, it is recommended that a condition be included requiring the submission of a scheme detailing the measures to be included in the design which result in measurable net gains for biodiversity. Providing this condition is imposed, it is considered that the proposals would meet the requirements of E3 of the Local Plan. Furthermore, a detailed landscaping scheme can be required as part of any reserved matters submission that enhances the role of the site as part of a green infrastructure corridor, in accordance with Policy E4 of the Local Plan.

#### Planning Balance

- 6.45 The application seeks outline consent for up to 88 dwellings on a site previously allocated for housing in the now superseded LDF. Although the application site is not an allocated site within the newly adopted Hambleton Local Plan and is not supported for residential development by the Local Plan's strategic and housing-related policies, it is recommended that the advanced stage of the application and the Planning Committee's previous resolution to approve his scheme are important material considerations that should be given significant weight within the planning balance.

The development will result in the loss of an existing employment site, however, as the proposal is for housing on an allocated site, it is considered that the loss is outweighed by the benefits of providing additional housing. As part of the proposal, affordable housing will be provided at a rate of 30%, in line with Policy HG3 of the Local Plan. Overall, the proposed development is considered to meet the requirements and expectations of the policies of the Hambleton Local Plan, the NPPF and the PPG except in the case of the principle of developing the site for housing where material considerations indicate otherwise.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design, scale and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.

3. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
4. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing by the Local Planning Authority before any part of the development is brought into use.
5. The development must not be brought into use until the access to the site at Bluebell Way has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The access must be formed to give a minimum carriageway width of 5.5metres, and that part of the road extending into the site must be constructed in accordance with Standard Details issued by the local highway authority. All works must accord with the approved details.
6. There must be no access or egress by any vehicles between the highway and each property application site until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
7. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

9. The development must be carried out and operated in accordance with the approved Travel Plan named REPORT NO 20536-002 and received by Hambleton District Council on 18.12.2020. 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.
10. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works: 1. details of any temporary construction access to the site including measures for removal following completion of construction works; 2. restriction on the use of Blind lane access for construction purposes; 3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; 4. the parking of contractors' site operatives and visitor's vehicles; 5. areas for storage of plant and materials used in constructing the development clear of the highway; 6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas; 7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes; 8. protection of carriageway and footway users at all times during demolition and construction; 9. protection of contractors working adjacent to the highway; 10. details of site working hours; 11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate; 12. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development; 13. measures to control and monitor construction noise; 14. an undertaking that there must be no burning of materials on site at any time during construction; 15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works; 16. details of the measures to be taken for the protection of trees; 17. details of external lighting equipment; 18. details of ditches to be piped during the construction phases;
11. Development shall not commence until a scheme detailing surface water drainage 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 (or any subsequent update or replacement for that document). 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. Note that further restrictions on surface water

management may be imposed by Yorkshire Water and the Local Planning Authority.

12. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to 5.65 L/S. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
13. No development shall take place until a suitable maintenance scheme for the proposed SuDS drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.
14. Development shall not commence until a scheme for the accommodation of additional flows impacting upon the drainage network have been submitted to and approved in writing by the Local Planning Authority, including further survey and investigation of the existing drainage system to confirm wider connectivity. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.
15. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

17. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
18. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
19. Prior to commencement of development hereby approved a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how the issues raised in Network Rails response dated 28.01.2021 in relation to surface water drainage and the adjacent railway line are to be addressed. The development shall thereafter be carried out in accordance with the approved strategy.
20. Prior to the commencement of development hereby approved a construction management plan detailing safety procedures for development adjacent to a railway line shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details. The management plan shall include, but not be limited to, details relating to the fail safe operation and storage of cranes, plant, vehicles and materials.
21. Prior to the occupation of the development, hereby approved, details of a trespass proof fence shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the height, type, appearance, colour, positioning, timing for installation and details of future maintenance of the fence. The fence shall be constructed prior to the first occupation of the development and shall be thereafter retained in accordance with the approved details.
22. If excavations/piling/buildings are to be located within 10m of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The method statement shall include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan.
23. No trees or shrubs shall be planted within 10m of the Network Rail boundary fencing to the south of the site unless a scheme is first submitted to and

approved in writing by the Local Planning Authority detailing, but not limited to, the species, siting and future maintenance of the planting. Any planting within the 10m buffer zone shall be carried out and maintained in accordance with the approved details.

24. Prior to commencement of the development hereby approved a Biodiversity scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity including on site provision for habitats, using the latest DEFRA or Natural England biodiversity metric. The development shall thereafter be carried out in accordance with the approved details.
25. No trees shall be removed until a further inspection for bats has been conducted by a suitably qualified Ecologist and the results submitted to and approved in writing by the Local Planning Authority. Should any bat roosts or evidence of such be found within trees proposals in relation to the roosts shall be submitted for approval in writing to the Local Planning Authority along with the findings. Thereafter the development shall be carried out in accordance with the approved details.
26. Site clearance works including vegetation and building demolition shall be undertaken between September and late February to avoid the bird nesting season (March-August) otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged.
27. No above ground construction work shall be undertaken until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including: a) The type and nature of the facilities to be provided within the POS including street furniture, play equipment etc; b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development; c) The arrangements the developer shall make for the future maintenance of the Public Open Space; d) The open space shall be completed in accordance with the approved scheme and retained thereafter
28. The development hereby approved shall comply with the requirements and expectations of Policies HG2 and HG3 of the Local Plan and the latest version of the Housing SPD on housing size(s), type(s) and tenure(s) or otherwise with an identified local need in the Bedale sub-area, which has first been agreed with the Local Planning Authority.
29. The design, scale and layout of the development as submitted as part of any subsequent reserved matters submission shall ensure that each residential property meets the current National Described Space Standards with sufficient drawings and information submitted with the application to demonstrate compliance.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
4. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
6. In the interests of highway safety.
7. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
8. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
9. To establish measures to encourage more sustainable non-car modes of transport.
10. In the interest of highways safety and public amenity.
11. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
12. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
13. To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.
14. To accommodate flows in storm events and allow for future maintenance
15. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
16. In the interest of satisfactory and sustainable drainage.

17. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
18. In order to allow sufficient access for maintenance and repair work at all times.
19. To ensure that the development does not cause drainage/flooding issues on the adjacent railway line in the interest of public safety.
20. In the interest of public safety and the safe operation of the railway line.
21. In the interest of public safety in discouraging trespass on the railway line.
22. In the interest of public safety and the safe operation of the railway.
23. In the interest of public safety and the safe operation of the railway.
24. In the interest of biodiversity.
25. In the interest of biodiversity.
26. In the interest of biodiversity.
27. In order to comply with the requirements of Appendix E of the Local Plan.
28. To ensure that the proposed development meets local need for housing and to ensure that the proposals accord with Local Plans policies HG2 and HG3.
29. To ensure that the proposed development meets the current National Described Space Standards in accordance with Policy HG2 of the Local Plan.