

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

**5**

**Committee date:** 7<sup>th</sup> July 2022  
**Officer dealing:** Tim Wood  
**Target date:** 9<sup>th</sup> December 2021  
**Extension of time** 11<sup>th</sup> July 2022  
agreed

**21/01302/FUL**

## **Development of 12 affordable dwellings**

**At: OS Field 5532 Hambleton View Tollerton North Yorkshire**

**For: Mr Diarmaid Kelly**

**This application is referred to Planning Committee at the request of members**

### **1.0 Site, Context and proposal**

- 1.1 The resolution of the committee on 10<sup>th</sup> February 2022 was to approve the above application subject to satisfactory prior completion of a planning obligation to secure affordable homes, their timing in relation to the delivery of open market homes with the associated application 21/01303/FUL. The S106 agreement to secure the above was not complete prior to the adoption of the Hambleton Local Plan on 22 February 2022 and the decision could not be issued before the adoption of the new Local Plan. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, the proposal is assessed against the adopted Local Plan.
- 1.2 There are no changes to the proposed scheme, and the recommendation to approve subject to a planning obligation remains the same. The proposal is for a rural exception scheme providing 100% affordable housing. The scheme proposes the residential development of 12 affordable dwellings, in a mix of 1, 2 and 3 bed properties, and includes 2 storey houses and bungalows. The land is to be transferred to a Registered Provider and this is to be controlled by the terms of the section 106 agreement that is to be completed prior to the issue of an approval.
- 1.3 This application site is located immediately adjacent to the eastern extent of the development limit of Tollerton. Tollerton is a 'Secondary Village' in the settlement hierarchy, within the Easingwold Sub Area, outlined in Policy CP4 of the Hambleton Core Strategy.
- 1.4 The site topography is relatively flat, but with an incline from the south to the northwest, with levels across the site varying. The site is currently open grassland, with an existing hedgerow along the north eastern boundary. The rear boundaries of dwellings on Station Court lie adjacent to the north western boundary. Existing residential development lies to the south west (Kyle Close, Hambleton View, and Jubilee Court) which is separated from the application site by fencing and existing vegetation.
- 1.5 The applicant has also submitted an application for 4 market bungalows (reduced from 5 in application 21/01303/FUL) which will also be accessed from Station Court. The two separate applications are linked as they are within the same landownership, and the schemes whilst considered separately, will be delivered

jointly and will come forward as a package. The sites will benefit from shared infrastructure; in particular the pumping station (sited within the red line boundary of the market scheme) and have been designed to ensure an appointed contractor can construct and deliver both the affordable and market dwellings in a cost effective manner.

- 1.6 The access into the application site would extend the existing road from Station Court, which comprises a T junction onto Station Road. The houses are also sited around a court type layout. All properties have 2 car parking spaces, private garden areas, and space designated for 3 wheelie bins in gardens and access to bin collections points. All roads within the development area are to be put forward for adoption.

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

- 2.1 19/02170/FUL Application for the construction of 5 residential dwellings. Withdrawn 29.03.2021
- 2.2 21/01303/FUL - Development of 4 bungalows (Pending Consideration).
- 2.3 07/03189/FUL - Construction of 12 affordable dwellings. Land At Station Road Tollerton York. Permitted 14.01.2008. Of relevance, the officer report for application 07/03189/FUL stated:

“5.1 This proposal is for the provision of 100% affordable housing. It is noted that the site is outside the Development Limits of Tollerton (a Secondary Village) but under Core Strategy Policy CP9A such development is acceptable in principle. As such, the main issues for consideration in this case relate to the scale of the development, the visual impact of the proposal and any impact upon highway safety and neighbours’ amenity.

5.2 Visually and physically the site is well related to the village being immediately adjacent to the recently constructed properties on Jubilee Court and with a number of dwellings immediately opposite the site itself on Station Road. The development is to meet an established local need for housing and the provision of 100% affordable housing may be covered by a Section 106 Legal Agreement. The provision of 12 houses on a site which measures approximately 80 metres x 60 metres is considered to be small in scale. It is therefore considered that the proposed development complies acceptably with Policy CP9A and the exceptions allowed under CP6 and CP4.”

## **3.0 Relevant planning policies**

Policy S1: Sustainable Development Principles  
Policy S3: Spatial Distribution  
Policy S5: Development in the Countryside  
Policy HG1: Housing Delivery  
Policy HG2: Delivering the Right Type of Homes  
Policy HG5: Windfall Housing Development  
Policy E1: Design  
Policy E 2: Amenity  
Policy E 3: The Natural Environment

Policy E4: Green Infrastructure  
Policy E 7: Hambleton's Landscapes  
Policy IC1: Infrastructure Delivery  
Policy IC2: Transport and Accessibility  
Policy IC3: Open Space, Sport and Recreation  
Policy RM1: Water Quality, Supply and Foul Drainage  
Policy RM2: Flood Risk  
Policy RM:3 Surface Water and Drainage Management  
Policy RM5: Ground Contamination and Groundwater Pollution  
Size, type and tenure of new homes SPD 2015

## 4.0 Consultations

4.1 Parish Council (Tollerton) – Wish to see refused for the following reasons:

- The above applications are for a total of seventeen additional dwellings in the parish.
- The location of the proposed developments will impose additional traffic pressure on the outturn onto Station Road, an area where we have already received complaints of excess vehicle movements.
- The 'market value' properties are being facilitated by the 'affordable' properties. This is contrary to the Rural Exception requirements under the planning legislation.
- There is currently an application for four additional houses under consideration, and over the preceding two years over thirty four properties have been constructed in the parish.
- The above would give an increase in properties in the parish of fifty five in less than two years. This equates close to 15 % growth in the property numbers in the short term, and is against the wishes of the majority of the parishioners.
- There has been a decrease in employment in the parish, with the Thompson Joinery business ceasing operations and houses built on its former site. There is no additional employment being created within the parish currently.
- Following a housing needs survey carried out in June this year by the Rural Housing Enablement officer, the results are inconclusive, and there appears to be NO Requirement for ADDITIONAL housing within the parish, the 'need' being fulfilled by the current properties available or under construction.
- The Parish population continues to state that they do not want any further growth in the village as this is now beyond sustainable levels. Residents in both the Hambleton View and Kyle Close roads have raised objections at our last Parish Council meeting concerning the two applications.
- The housing need locally is being met in other areas where there is a variety of housing types that can be acquired by various methods of finance.

4.2 The Parish Council submitted a survey. There were 97 respondents. In relation to this application, the sites were referenced A (this application) and B (21/01303/FUL). The survey advises that 61% feel there should be no further developments in the village. 39% feel there should be. Subsequent questions looked at the different sites A-D and asked if provision of affordable housing made them favourable.

•Field A. 29% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this to 31% agree or strongly agree while 55% disagree or strongly agree.

•Field B. 27% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this minimally to 29% agree or strongly agree while 57% disagree or strongly disagree.

- 4.3 Highway Authority – No objections. They recommend conditions for full road and sewer engineering drawings, the completion of carriage and footways and lighting prior to occupation, construction of parking areas prior to occupation and the provision of a construction management plan.
- 4.4 Lead Local Flood Authority – No objections. The LLFA recommends conditions for a detailed drainage scheme, exceedance flow routes and floor levels.
- 4.5 Yorkshire Water - No objections. They recommend conditions to secure separate systems of drainage for foul and surface water, development to be in accordance and for the approval of proposed means of disposal of foul water drainage.
- 4.6 RAF MOD – No objections.
- 4.7 Police (Designing out Crime and British Transport Police) - No objections.
- 4.8 Network Rail - No objection. They recommend conditions in relation to the protection of the railway assets.
- 4.9 Environmental Health – I have reviewed the Noise assessment prepared by ENS, Ref: NIA/8866/19/8839/V2/Tollerton, Dated April 2021. The assessment has considered the noise and vibration from the Rail line. Table 4.1, Page 4 shows the recommended indoor noise levels, section 5.1, Page 5, states the sound attenuation scheme proposals. In order to mitigate the noise from the rail line, a scheme of sound insulation works has been developed to protect the proposed residential development from the ambient noise climate as demonstrated in Table 5.1, page 5 of the Noise assessment.
- 4.10 Contaminated Land - No objections. They recommend conditions to secure a Phase 2 contaminated land assessment, remediation scheme, verification of remediation works and unexpected contamination.
- 4.11 Street Name and Numbering – An application would be required.
- 4.12 Housing – Supports the scheme. The evidence provided identifies a need for more affordable homes in the Tollerton and surrounding area to enable people to rent or buy an affordable home and remain in the area that they want to live. The housing officer response is attached as Appendix 2 to this report, and further information has been provided in the Affordable Housing Statement January 2022 set out in appendix 3.
- 4.13 Statement of Community Involvement - The consultation exercise has been carried out in accordance with National policy and Hambleton Council's Statement of Community Involvement.
- 4.14 Advertisement - The application was advertised by site notice, press notice and neighbour notifications, which have now expired.

- 4.15 Public observations – There have been 11 objections to the proposals. They are summarised as follows:
- No need for affordable homes, as there are currently properties empty, and the updated need survey does not show a need for 12 homes
  - There is a sufficient number of affordable homes in Easingwold
  - The sewage system is inadequate
  - The site floods
  - The access is dangerous and narrow
  - The development will be unsafe for children
  - Inadequate bus services
  - The condition of existing roads is inadequate for additional properties
  - Will cause damage to existing roads
  - Parking is inadequate
  - Will result in loss of wildlife
  - How is existing landscape area to be maintained?
  - Inadequate services within the village
  - Concerns raised about the construction phase in terms of noise, activity and damage to roads

## **5.0 Analysis**

5.1 The main issues to consider are:

- Policy Context/Principle
- Rural Exceptions Housing
- Design and Impact Upon the Character and Appearance of the Area.
- Highway matters
- Residential Amenity
- Landscape and Ecology
- Flood Risk and Drainage
- Contaminated Land

Policy Context/Principle

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

5.3 Policy S2 sets out the Council's housing requirement and it identifies that the housing figures are based on existing commitments and sites allocated for development in this local plan. Housing development that comes forward during the plan period will be an important additional supply of homes and will be supported as set out in policies including HG4: Housing Exceptions and HG5: Windfall Housing Development.

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

- 5.5 Services in Tollerton include a village store and post office, there is also a caravan park, public house and tearoom. There is a place of worship and village hall, Drs surgery and recreation facilities. The site is accessible to existing services in Tollerton and to bus stops to access larger service centres. The application site would be within safe and close walking distance of these. Residents within the village can also access services and facilities in other villages as Tollerton does not have a primary school. Whilst other villages may not be within walking distance of Tollerton, and the absence of provision of a bus services is a detractor, this harm would be limited given the short distance.
- 5.6 Policy S5 sets out what constitutes the built form of a settlement, land outside it, is defined as countryside. The application site does not fall within the built form of Tollerton, and therefore it is in the countryside. Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.

#### Rural Exceptions Housing

- 5.7 Local Plan policy HG4 states a proposal for a rural exception scheme on land adjoining the built form of a defined settlement will only be supported where it is demonstrated that it will provide affordable housing in perpetuity and that the type and tenure reflects the local and affordable needs of the community, as demonstrated through an up-to-date local housing needs assessment. The previous application was submitted with a recent housing survey and the type and tenure of the proposed housing has been formulated in agreement with the Council's rural housing officers.
- 5.8 Tollerton housing need review was undertaken in June 2021 by the Council's housing officers. The updated Affordable Housing Statement from January 2022 seeks to clarify the information contained within the June 2021 survey. The key findings are:
- The 2021 Housing Need survey review indicated that there were 6 households identified to be in housing need in Tollerton additional to the 12 in 2018 when the last full survey was undertaken. The 6 households identified in 2021 are additional to the 12 identified in 2018
  - Housing officers have made contact with households identified in the 2018 survey. Of those that housing officers were able to contact 12 households were still in need of affordable housing in the area
  - There have been 6 new affordable homes completed in Tollerton since the 2018 survey and none of those allocated were on the original need list
  - As of January 2022, there were 252 households on the Housing Register requiring accommodation in the wider sub-area which includes Easingwold and Easingwold Rural (this only relates to affordable homes to rent), with an indication that the greatest demand is for 1 and 2 bed homes
  - A further analysis of the 252 households highlighted that at least 12 households had indicated that they had a connection to the Parish of

Tollerton and that these were in addition to those who had taken part in previous housing needs surveys

- In the period December 2020 to December 2021 a total of 95 properties were advertised through North Yorkshire Home Choice lettings system including 43 in the Easingwold villages which attracted on average 6 bids or expressions of interest per advert indicating a significant level of unmet need

5.9 The Affordable Housing Statement 2022 sets out that there is a need for an additional 18 affordable homes for either renting from a Registered Provider or purchased through one of the Affordable Home Ownership mechanisms.

5.10 The proposed development would meet identified need within Tollerton which the proposed development providing the following:

House Type	No. of beds	Size	Plots	Amount
D	1 bed house	60 sqm	1, 2	2
E	2 bed bungalow	70 sqm	11,12	2
F	2 bed house	72 sqm	3, 4, 5, 6, 7	5
G	3 bed house	89 sqm	8, 9, 10	3
<b>Total</b>				12

5.11 In all cases where affordable housing provision is provided, it will be expected to provide a mix of tenure subject to identified need. The proposed scheme includes provision for 9 x shared ownership and 3 affordable rented. The identified need is set out below

2018 List			
Amount	Beds	Type	Tenure
1	1	House	Affordable rent of Shared Ownership
1	1 or 2	House	Affordable rent of Shared Ownership
4	2	House	Affordable rent or shared ownership
1	2	House	Affordable rent
2	2	House	Shared ownership
1	3	House	Shared ownership
2	3	House	Shared ownership
2021 List			
1	1	House	Affordable rent or shared ownership
1	2	House	Affordable rent or shared ownership
1	2	House	Shared ownership
1	2	House/Bungalow	Shared ownership
1	2	Bungalow	Affordable rent or shared ownership
<b>Total 18</b>			

- 5.12 The allocation of the properties will be managed by a Registered Provider who will operate in accordance with a s106 agreement, which will state the cascade order of allocation:
- Priority will be given to those who meet the local connection criteria for the Parish of Tollerton
  - Then priority will be given to those with a local connection to the neighbouring villages.
  - Then priority will be given to Easingwold and finally Hambleton.
- 5.13 In relation to the Development Survey submitted by the Parish Council, there were 97 respondents. The sites were referenced A (this application) and B (21/01303/FUL). The survey advises that 61% feel there should be no further developments in the village. 39% feel there should be. Subsequent questions looked at the different sites A-D and asked if provision of affordable housing made them favourable.
- Field A. 29% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this to 31% agree or strongly agree while 55% disagree or strongly disagree.
  - Field B. 27% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this minimally to 29% agree or strongly agree while 57% disagree or strongly disagree.
- 5.14 The applicants consider that having regard to the delivery of affordable units in Field A (31%) and Field B (29%). Based on 97 respondents that equates to 30 residents and 28 residents respectively, whilst this is not a robust gauge of affordable need, it can be argued that this provides a recognition of existing housing need within Tollerton.
- 5.15 A further material consideration is the guidance contained in the NPPF in paragraph 79 which states; "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."
- 5.16 Promoting sustainable patterns of development is a key aim of the National Planning Policy Framework. Tollerton has a variety of facilities. The application site would be within safe and close walking distance of these. Therefore, it would be capable of being able to support most basic everyday needs. Furthermore, the proposed development would help to maintain the vitality of nearby communities, as Tollerton does not have a primary school, and nearby schools identified as having capacity. The earlier report incorrectly noted an absence of bus services. Tollerton has bus services in the direction of both York and Thirsk with at least 9 services per day in each direction and is therefore well connected.



- 5.17 Criterion f of HG4 states f. the housing will be for those with a local connection in the first instance and this will be secured through a legal agreement. The legal agreement that is being drafted will include the relevant clauses to secure the above requirements, and this scheme will provide 100% affordable housing, and would be provided in perpetuity.
- 5.18 The proposal is also compliant to the relevant provisions within these policies including the nationally described space standards.
- 5.19 The proposed development would be able to fulfil the type and tenure required by the identified needs of the community, as demonstrated through the local housing needs assessment as a rural exception scheme.
- 5.20 The proposal would comply with Policies HG4 e-f in relation to housing mix and the arrangements for promoting and maintaining affordable housing. The applicants have agreed to the construction of affordable units before the market homes.

#### Design and Impact Upon the Character and Appearance of the Area.

- 5.21 Criterion g) of HG4 requires that the development is of a scale and character that respects the appearance of the existing settlement, local built form and landscape character. Alongside this Criterion h) seeks to ensure that the development would not have a significant detrimental effect on the character and appearance of the countryside. Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 5.22 Although further development is not supported locally, the Council has identified that Tollerton is a sustainable location which is suitable for growth. Rural exception schemes should represent small scale incremental growth that are commensurate to its size, scale, role and function of the settlement. As with application 07/03189/FUL (12 affordable homes approved as a rural exception site) it is considered that the provision of 12 affordable homes is small scale.
- 5.23 The proposal would not have a detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village. The application site is adjacent to Tollerton, and as the land to the north is constrained by the presence of the railway line, the landscape is not transitional into the open countryside and therefore built development can be accommodated with limited harm to the area, particularly as a result of the low dwellings proposed and planting around the site.
- 5.24 A variety of different dwellings can be found in the area surrounding the site. Houses are predominantly detached and semi-detached, brick built at 2 stories with the bungalows. The development would be laid out to overlook the central court area in a similar form and scale to existing adjacent development. The development incorporates driveways and on curtilage frontage parking with on street visitor parking. The design of the dwellings is simple, they would be constructed from brick, and given the variety of house types in the area would be acceptable visually.

- 5.25 Existing mature trees will be retained to maintain the green character and where possible are integrated into the proposals. Landscaping to plot frontages including additional tree planting. Open space management, and that of necessary boundaries around the site would be incorporated into the section 106 agreement.
- 5.26 The density of development would also reflect the surrounding area. Much of the site abuts the boundaries with neighbouring development with public vantage points restricted to the road ends. Whilst the site is open, it is not countryside in character terms with its proximity to the existing development, and the railway line, and therefore the rural aspect is limited. The proposal would be contained and even at an overall number of 17 dwellings would not be unacceptable in terms of the character of the area or visual appearance.
- 5.27 Subject to suitable conditions the proposal would not have an unacceptable effect on the character and appearance of the area. Hence, it would comply with Policies HG4 g - h and E1, as it would achieve a high-quality design that adequately respects its context, as well as with the similar design aspirations of the NPPF in achieving well designed places.

#### Highway Matters

- 5.28 Local Plan policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. The policy is consistent with chapter 9 of the NPPF which also promotes sustainable travel. Paragraph 110 of the NPPF also sets out that safe and suitable access should be achieved and any significant impact any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The NPPF further states at paragraph 111, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.29 In the vicinity of the site there are dropped crossings and tactile paving to aid pedestrians crossing the carriageway, as well as white central line markings. Approximately 31.8 metres to the east of the junction between Station Court and Station Road there is a marking on the carriageway warning drivers to slow, as the speed limit is set at 30mph. Street lighting is provided to side road standards and both carriageway and footways appear to be in good condition. Accident records show that there have been no recorded accidents within 100m of the application site junction (Station Court and Station Road), there is no evidence of a problem of highway safety at the site.
- 5.30 The site will be accessed via an extension of an established estate road, namely Station Court. The proposed access road will take the form of a 5.5m traditional estate road with a 2.0m footway on the north- eastern side of the carriageway. Traffic calming in the form of road narrowing has been proposed throughout to reduce vehicle speeds within the development. The proposed access road will include suitable visibility and turning facilities.
- 5.31 The transport statement advises that Electric vehicle charging points will be provided and that secure cycle storage will be provided in in the form of sheds within the garden area of the properties. The scheme is secured by condition.

- 5.32 The Local Highway Authority does not advise that the access is unsafe or incapable of accommodating the development traffic. Station Court is already served by an existing footway, and the development traffic does not need to enter in the court. A road condition survey will be conditioned with the development would deal with any resultant repairs if they are created by construction traffic.
- 5.33 With the development proposing suitable access arrangements in regard to the existing Station Court/Station Road junction. In terms of geometry and visibility it is more than suitable to cater for the additional 8-9 trips during the network peak hours and will not be a cause for concern in regard to road safety along the local highway network. The traffic generations from the site would not be noticeable from the daily fluctuations in traffic flows on the adjacent network and would not add to any to any congestion during the peak hours.
- 5.34 Comments in relation to increased pressure for parking on local roads is noted, but less likely to occur, as residents residing in proposed development will have parking spaces and be able to access the nearby facilities (which increase parking demand on nearby streets) on foot. There is no access proposed from Kyle Close, Hambleton View or Jubilee Court. The access is clearly shown on the proposed plans as an extension to Station Court.
- 5.35 The cumulative impacts on the highway network would not be severe and the proposed development satisfactorily provides additional mitigation and enhancements to accessibility for the site therefore fulfilling the aims of the Local Plan policy IC2.

#### Residential Amenity

- 5.36 Policy E2 states that all development proposals must protect amenity, particularly about privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.37 The existing levels of residential amenity for residents at Station Court will be preserved because of the extent of their garden areas. In addition, the orientation of plots 1 to 5, and the boundary treatment will ensure existing levels of sunlight and privacy are not unacceptably impacted.
- 5.38 There is also sufficient distance between the proposed development and Jubilee Court and Kyle Close. The access road is not considered to be significantly harmful due to the separation distance and boundary treatment and planting between it and the neighbouring gardens. Vehicle movements would not be excessive.
- 5.39 Within the site, the development ensures satisfactory separation distances. The development ensures all properties have space for bin storage and turning areas for refuse and larger vehicles. An electric vehicle charging point for each home will be conditioned.
- 5.40 The east coast main line rail is around 30m to the north-east a noise impact assessment was submitted with the application. The proposals have determined external noise levels at the application site, assessed the potential impact of the external noise climate on the proposed development, and provide recommendations

for a scheme of sound attenuation works which will be conditioned. The proposed mitigation includes enhanced acoustic glass. In order to mitigate rail noise in gardens it is recommended that a 3 metre high solid timber fence is installed along the entire north-eastern boundary. The maintenance of this will fall to housing company.

- 5.41 Crime is mentioned amongst other anti-social issues in the representations. Whilst others crime issues are noted, these are not considered to justify opposition to the proposal on these grounds.
- 5.42 Permitted development rights are removed, which is reasonable in the circumstances to ensure that any future residential development or extension is able to incorporate similar measures. A verification report has also been conditioned for the proposed mitigation. The proposed development therefore conforms to Local Plan Policy E2.

#### Landscape and Ecology

- 5.43 Local Plan policies E3 and E4 are relevant in consideration of landscape character and visual impacts. The above policies seek safeguards via suitable mitigation. Paragraph 170 of the NPPF, states that the planning system should contribute to and enhance the natural and local environment.
- 5.44 The site mainly comprises poor semi-improved grassland, scrub, grassland, hedgerows and trees to the site boundaries. The trees within the site and hedgerows are to be retained. A retained tree on the site would have potential for bat roost, and the grassland would provide habitats and foraging areas for birds, bats and hedgehogs. In order to avoid impacts the removal of vegetation can be conditioned to avoid the bird nesting season, and precautionary approach to other mammals can be undertaken.
- 5.45 The proposal would not have an unacceptable effect on ecology biodiversity interests. Significant planting is proposed which will enhance the biodiversity of the site, and a suitably worded condition can be imposed to ensure the details of the ecological scheme to be submitted, and compliance with Local Plan policy E3 and E4.

#### Flood Risk and Drainage

- 5.46 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. Foul water will discharge to public foul sewer network via on site pumping station. This is acceptable to Yorkshire Water who have not raised capacity as an issue for them.
- 5.47 The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. The site lies within Flood Zone 1. Officers note the comments in relation to flood risk, and the LLFA have been involved in discussions regarding the surface water treatment. The applicant has submitted further in depth information regarding site topography, surface water source generation and road access levels. The documents indicate that a positive

drainage systems and road access levels will reduce the risk of site generated surface water and enable safe access.

- 5.48 Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner. Sub-soil conditions do not support the use of soakaways and the site is remote from watercourse. Surface water will discharge to public surface water sewer via storage with restricted discharge rate. As noted previously Yorkshire Water agree to this.
- 5.49 The proposed development satisfactorily deals with flood risk and drainage and therefore the provisions of policies RM1, RM2 and RM3 are satisfied. Conditions have been imposed in line with the consultee recommendations.
- Contaminated Land
- Contaminated Land
- 5.50 Local Plan policy RM4 sets out the Council's approach in relation to how development proposals affect and are affected by air quality. Emerging policy RM5 identified the Council's approach in relation to ground contamination and groundwater pollution.
- 5.51 The Development Constraints Report (Phase 1) produced by JP Wild Ltd submitted in support of the above development concludes that the risk on contamination on site to be very low but recommends a 'minimal' Stage 2 investigation to determine underlying strata and obtain soil samples from made ground and natural strata or contamination testing for metals, metalloids, PAH and asbestos.
- 5.52 The applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment, which have been secured by conditions. If any contamination is found, remediation is conditioned. It is therefore considered the proposal would fulfil the requirements of RM4 and RM5.

#### Planning Balance and Conclusion

- 5.53 The proposal would not be unacceptable in terms of highway safety and access, flood risk and drainage, living conditions, amenity of nearby residents and biodiversity.
- 5.54 Whilst concerns have been raised about the sustainability of the site and access to services and the amount of bus services, the development is a suitable and sustainable location for housing development as has been determined by the settlement hierarchy in the LDF and emerging Local Plan. The advice from the consultee is that there is a wider need for affordable homes, and officers advise that this is acceptable to consider this. The benefits of the proposal as a result of new housing development in a sustainable location would be of a moderate scale. There would be some social benefit in providing additional homes which would contribute to providing family homes in the area.
- 5.55 There would also be economic benefits as the proposal would be in a sustainable location for housing, where new residents would contribute to local

services. There would be economic benefits from the construction phase of the development.

5.56 There would also be economic benefits as the proposal would be in a suitable location, where new residents would contribute to local services. There would be economic benefits from the construction phase of the development. Protecting the environment is another key aspect of achieving sustainable development, and the development would preserve the character and appearance of the area.

5.57 The social and economic gains are considered to tip the balance in favour of the development and the proposal is considered to represent sustainable development in accordance with the development plan and required by the NPPF.

## 6.0 Recommendation

6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure transfer of the land to a Registered Provider for the construction and require subsequent occupation of the affordable homes in perpetuity and their timing in relation to the delivery of open market homes under application 21/01303/FUL that permission is **GRANTED** subject to the following conditions:

1. Time Limit  
The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. Approved Drawings  
The development hereby permitted shall be carried out in accordance with the approved plans listed:  
1904-SI-21 Location Plan  
1904-SI-22A Site Layout Rural Exception Scheme  
1904-HTD-01 D Type Planning Drawings  
1904-THE-01 E Type Planning Drawings  
1904- HTF-01 F Type Planning Drawings  
1904- HTG-01 G Type Planning Drawings
3. Surface Water Drainage  
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:
  - i. include detail of the phasing of the development and phasing of drainage provision, where appropriate.
  - ii. Identify where principles of sustainable urban drainage have been employed.
  - iii. ensure Surface water flows away from the railway and that there is no ponding of water adjacent to the railway boundary.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.

4. Exceedance Flow Plan

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 including Network Rail assets. 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. The submitted exceedance plan should be based on the proposed finished site levels to ensure that any changes in levels do not inadvertently increase flood risk elsewhere.

5. Finished Floor Levels

The development shall not commence until details of finished floor levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.

6. Landscape and Ecology Scheme

An updated Landscape and Ecological scheme shall be submitted to and approved by the Local Planning Authority prior to the construction of the external walls of any home hereby approved. The scheme shall include (but is not limited to):

- The species mixes and structure for each landscape.
- The sizes, heights, and densities of plant species to be used.
- Timing of planting and delivery.
- The management requirements (establishments and long-term management).
- A plan and sections of the proposed acoustic boundary fence. treatment in relation to existing and proposed trees and hedgerows.
- Details in relation to the incorporation of the biodiversity enhancement measures in the submitted Ecological Appraisal at section 5.31 have been incorporated into the scheme.

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

7. External Lighting

The development hereby permitted shall not commence until a scheme showing the provisions to be made for external lighting has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

8. **Designing out Crime**  
The development hereby permitted shall not commence until a scheme showing the provisions to be made to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
- 9 **Separate Foul and Surface Water**  
The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
10. **Foul Water Drainage Scheme**  
No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 5 (five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
11. **Electric Vehicle Charging point**  
A scheme showing the provision for each home to have an electric vehicle charging point shall be submitted for the written approval of the Local Planning Authority. The scheme shall include the location, and specification for each charging point. Once approved the development shall be implemented in accordance with the approved details prior to the occupation of the home to which the charging point serves, and thereafter retained for the lifetime of the development, unless otherwise agreed by the Local Planning Authority.
12. **Road and Sewer Engineering Drawings**  
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.
13. **Carriageway and footway construction**  
No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme



submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

14. Parking and Manoeuvring

No part of the development must be brought into use until the parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 1904-SI-12B. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

15. Construction Management Scheme

No development must commence until a Construction Management scheme 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 scheme plan. The scheme must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- i. details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iii. the parking of contractors' vehicles;
- iv. areas for storage of plant and materials used in constructing the development clear of the highway;
- v. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- vi. construction ecological mitigation as specified within the submitted ecological report section 5.26 and 5.29.

No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority

16. Boundary Treatment

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 until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials, type of boundary treatment, and its maintenance to be erected along the western boundary adjacent to properties on Jubilee Court, Kyle Close and Hambleton View, and The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. (Network Rail's existing fencing/wall must not be removed or damaged). The plan shall show how any ecological requirements as set out in section 5.31 of the Ecological appraisal have been incorporated. No part of the development shall be occupied until the approved boundary treatment for that part has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.

17. **Materials**  
The construction of the external walls of the development hereby permitted shall not be commenced until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
18. **Network Rail construction Methodology**  
Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.
19. **Verification Report**  
A verification report for the approved scheme for the noise attenuation of the development, shall be submitted to and approved by the Local Planning authority prior to the occupation of the site. Once approved the development shall be implemented in accordance with the approved details and any additional remediation required and thereafter retained.
20. **Cycle Storage**  
A plan showing the location and design of external sheds for cycle storage shall be submitted for the written approval of the Local Planning Authority. Once approved the development shall be implemented in accordance with the approved details prior to the occupation of the home to which the provision relates.
21. **PD Restriction**  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
22. **Phase 2 Assessment**  
No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.  
Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

23. **Remediation Scheme**  
Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and PL.F.2 Consultation response. April 2012 site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
24. **Remediation Scheme Carried Out**  
Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority
25. **Unexpected Land Contamination**  
In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
26. **Acoustic Fence**  
Prior to the first occupation of the development a scheme for the provision and maintenance of the acoustic fence shall be submitted for the written approval of the Local planning Authority. Once approved the development shall be implemented in accordance with the approved details prior to the occupation of any unit and thereafter maintained in accordance with the approved scheme for the lifetime of the development.

The reasons for the conditions:

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 ensure the development is carried out in accordance with the approved details and for the avoidance of doubt in accordance with Local Plan policy S1.
3. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policies RM1, RM2 and RM3.

4. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policies RM1, RM2 and RM3.
5. In the interests of the visual appearance and amenity of the development in accordance with Local Plan policy E2.
6. In the interests of the visual amenity and bio-diversity in accordance with Local Plan policy E2 and E3.
7. In the interests of the amenity of the development in accordance with Local Plan policy E2.
8. In the interests of the amenity of the development in accordance with Local Plan policy E2.
9. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policies RM1, RM2 and RM3.
10. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policies RM1, RM2 and RM3.
11. In the interests of sustainable development in accordance with Local Plan policy S1.
12. 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 in accordance with Local Plan policy IC2.
13. 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 in accordance with Local Plan policy IC2.
14. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Local Plan policy IC2.
15. In the interest of public safety and amenity in accordance with Local Plan policies IC2 and E2.
16. In the interests of neighbouring residential amenity in accordance with Local Plan policy E2.
17. In the interests of the visual amenity of the development in accordance with Local Plan policy E1.
18. In the interests of railway asset safety in accordance with Local Plan policy IC1.
19. To ensure the proposed noise attenuation measures are satisfactory in the interests of residential amenity in accordance with Local Plan policy E2.

20. In the interests of sustainable development and amenity in accordance with Local Plan policy E2.
21. In the interests of residential amenity due to the requirements to control noise from the railway line in accordance with Local Plan policy E2.
22. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy RM5.
23. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors Local Plan Policy RM5.
24. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems Local Plan Policy RM5.
25. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors Local Plan Policy RM5.
26. In the interest of the residential amenity of the development in accordance with Local Plan policy E2.