

Parish: Linton on Ouse
Ward: Easingwold
4

Committee date: 4 August 2022
Officer dealing: Naomi Waddington
Target date: 11 February 2022
Extension of time TBC

21/02482/FUL

Construction of 17 dwellings and associated highway works
At: Land to the rear of The Manor House, Main Street, Linton On Ouse
For: Mulberry Homes Yorkshire

1.0 Site, context and proposal

- 1.1 The application site comprises existing domestic land located to the west of The Manor House, identified as Manor Farm on the OS map, along with two fields to the rear (north) of The Manor House, extending east to the rear of Manor Farm Cottage. The whole site is bound by the garden of dwellings located on Half Moon Street to the west enclosed by fences. The two fields are subdivided by a fence and together are bound by tall trees to the northern boundary with land and buildings forming part of the RAF Military base beyond. The eastern boundary abuts domestic land and is marked by a hedge, the southern boundary of the field also abuts domestic land and is marked by a wall, hedge and fence. There is a range of domestic and non-domestic outbuildings to the north-west of the Manor House. The Manor House is bound by a brick boundary wall adjacent to the highway has two vehicular access points, one to south-east and one to the south-west. Adjacent to the south-western access within the driveway is a Giant Sequoia tree which is protected by Tree Preservation Order 07/2007. Further west in the adjacent garden a group of trees are protected by Tree Preservation Order 01/1989. There is a tree to the western boundary of the field, and three trees are located in the highway verge adjacent to the boundary wall. West of the south-western vehicular access is a bus stop and bus shelter.
- 1.2 Full planning permission is sought for the construction of 17 dwellings in a cul-de-sac. The dwellings would share a single vehicular access point, namely the existing access to the south-west of the Manor House. The protected Giant Sequoia tree along with the tree on the western boundary of the field and one tree in the highway verge are proposed to be felled. Some of the domestic and non-domestic outbuildings to the north-west of Manor House would be removed.
- 1.3 The scheme proposes 5 open market houses comprising 2 x 2 bed and 3 x 3 bed (plots 1, 2, 5, 6 and 13), and 12 affordable homes comprising 6 x 2 bed affordable rent (plots 4, 9, 10, 14, 15 and 16), 4 x 3 bed shared ownership (plots 3, 8, 11 and 17), and 2 discount sale homes comprising 1 x 2 bed (plot 12) and 1 x 3 bed (plot 7). The scheme includes 11 two storey houses (plots 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17) and 6 bungalows (plots 1, 2, 5, 6, 12 and 13), 5 of the bungalows are open market homes (plots 1, 3, 5, 6 and 13), 1 is discount sale (plot 12). Each open market dwelling has a single garage and all other dwellings have access to 2 parking spaces. The scheme includes an underground pumping station, and public open space with underground attenuation crates below.
- 1.4 Documents submitted with the application include Planning Statement, Design and Access Statement, Ecological Appraisal, Arboricultural Assessment, Phase 2 Site

Investigation, Flood Risk Assessment, Sustainable Drainage scheme Management Plan, Drainage Philosophy, and Biodiversity Net Gain Report.

2.0 Relevant planning and enforcement history

- 2.1 07/00988/FUL Construction of a dwelling and creation of a new vehicular access as amended by plans as received by Hambleton District Council on 24 April 2007 REFUSED 18.05.2007 for the following reasons-

The proposed development is contrary to Policies H8 and BD5 of Hambleton District Wide Local Plan and Core Strategy Policies CP4, CP16 and CP17 as it would result in the loss of an important open space and a detrimental visual impact upon the character of the area.

- 2.2 The proposed development would result in the loss of trees on the site and have an unacceptable impact upon trees adjacent to the site which are the subject of a Tree Preservation Order contrary to Policy L13 of Hambleton District Wide Local Plan and Core Strategy CP16.
- 2.3 The Local Planning Authority considers that clear visibility of 70 metres cannot be achieved along the public highway in both easterly and westerly directions from a point 2 metres from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.

3.0 Relevant planning policies

- 3.1 The relevant policies are:

National Planning Policy Framework (NPPF)

Local Plan Policy S1 - Sustainable Development Principles

Local Plan Policy S2: Strategic Priorities and Requirements

Local Plan Policy S3 - Spatial Distribution

Local Plan Policy S5 - Development in the Countryside

Local Plan Policy S7: The Historic Environment

Local Plan Policy HG2 - Delivering the Right Type of Homes

Local Plan Policy HG3 – Affordable Housing Requirements

Local Plan Policy HG5 - Windfall Housing Development

Local Plan Policy E1 - Design

Local Plan Policy E2 - Amenity

Local Plan Policy E3 - The Natural Environment

Local Plan Policy E5: Development Affecting Heritage Assets

Local Plan Policy E7 - Hambleton's Landscapes

Local Plan Policy IC1 – Infrastructure Delivery

Local Plan Policy IC2 - Transport and Accessibility

Local Plan Policy IC3: Open Space, Sport and Recreation

Local Plan Policy RM1 - Water Quality and Supply

Local Plan Policy RM2 - Flood Risk

Local Plan Policy RM3 - Surface Water and Drainage Management

Local Plan Policy RM5 - Ground Contamination and Groundwater Pollution

4.0 Consultations

i) Original consultation:-

4.1 Parish Council – Comments summarised as follows:-

-Bus stop located at the entrance. What do the developers intend to do regarding the bus stop?:

-Contaminated land report inconclusive. No permission should be granted until conclusive information regarding this contamination is obtained.

4.2 Highway Authority – Comment some concern has been raised about the proximity of the proposed site entrance to the existing bus stop and the impact of a stationary bus on driver visibility. This would only be a temporary situation and not considered to be a significant impediment to highway safety. It is expected that when a bus is at the stop, a driver emerging from the development site would either move out carefully until they can see oncoming traffic or wait until such time that the bus moves away. Conditions are recommended in relation to the submission of details plans of the road and footway, construction of adoptable roads and footways, visibility splays, parking for dwellings and the submission of a construction phase management plan.

4.3 Yorkshire Water – recommend conditions requiring separate systems of drainage for foul and surface water, and submission details to show evidence other means of surface water drainage have been properly considered and why they have been discounted, and the means of discharging to the public sewer network at a pumped rate of discharge not to exceed 5 litres per second.

4.4 Environmental Health (contaminated land) - Have assessed the Phase 2 Site Investigation report which identifies potentially harmful contamination in one area of the site and recommends a remediation strategy to address these issues. Therefore, the applicant is required to submit a comprehensive remediation strategy for this site. Conditions are recommended in relation to Submission of a Remediation Scheme, Verification of Remedial Works and Reporting of Unexpected Contamination.

4.5 NYCC Heritage Services – No objection

4.6 North Yorkshire Police Designing Out Crime - Comment in general, the overall design & layout of the proposed development is appropriate, comments made in relation to the management of the public open space, removal of ambiguous spaces, demarcation of private spaces, and addition of side windows to overlook parking spaces.

4.7 HDC Housing Manager - Comment the affordable homes are welcomed to meet a demand in the area, the developer will be required to transfer the affordable homes to a Registered Provider at the Council's agreed Transfer Price, the scheme in line policy compliance is proposing 70.5% affordable, which exceeds the requirement of 30%.

4.8 Environmental Health – Request information regarding the pumping station including details of motors, and levels of noise

4.9 RAF Linton on Ouse - No response received (expired 03.12.21)

4 10 Environment Agency - No response received (expired 03.12.21)

ii) Re-consultation with Parish Council and Housing Manager following receipt of Affordable Housing Statement:-

4.11 Parish Council – response awaited

4.12 HDC Housing Manager – Comment the submitted Affordable Housing Statement relies on generic information for the whole District rather than a specific demonstrable need in the location, and would like to see a localised need demonstrated in a parish housing needs survey, particularly regarding the size and tenure that was required for the area. Information provided from the Home Choice register advises there are 230 applicants who would consider Easingwold and surrounding villages:-

Aged 17 - 49 years = 142 households

1 bed need = 70

2 bed need = 43

3 bed need = 23

4 / 5 bed need = 6

Adaptations required:

Level access shower / wet room = 1

Wheelchair adapted = 0

Level access / ramped = 0

Aged 50 & over = 88 households

1 bed need = 67

2 bed need = 12

3 bed need = 7

4 bed need = 2

Adaptations required:

Level access shower / wet room = 16

Wheelchair adapted = 4

ii) Re-consultation following receipt of additional drainage information to address Yorkshire Water and Environmental Health comments:-

4.13 Yorkshire Water – recommend condition requiring the development be carried out in accordance with the details shown on the submitted plan, "'Drainage Philosophy' 20T2106 prepared by BGP, dated 10/02/22 "

4.14 Highway Authority - No response received (expired 17.06.2021)

4.15 Environment Agency - No response received (expired 17.06.2021)

4.16 Environmental Health – Comments as follows:-

I have looked at the various documents and the email trails and have the following observations/comments which outlines our concerns. :We asked for noise data for the pumping station. Apart from a level of 80 dB 1 m from the source (i.e. the pump)

quoted in one of the documents there isn't any information relating to external noise levels when the plant is in operation. Given the relatively close proximity of the nearest properties and the low background noise levels in Linton on Ouse, it is reasonable to request for further information to rule out any potential nuisance to residents. In Hambleton we have had a number of complaints relating to pumping stations in the last 18 months, complaints have included vibration and low pitch noise issues. Given the above, we still need assurance that the pumping station once installed and operating will not affect the amenity of future residents. To date the relevant information/data has not been provided and I'm not in a position to make an informed response

4.17 Site notice posted and expired 17.12.2021

4.18 Press advertisement Easingwold Advertiser expired 04.01.22

4.19 Public comments - site notice displayed, press advert and neighbours consulted. 2 representations have been received making comments, along with 23 representations from 16 addresses, summarised as follows:-

i) Neither support or object

- Sewer capacity, age and condition
- Sewer blockages on Main Street
- 80% of housing stock at RAF Linton on Ouse is currently unoccupied, if occupied further strain on sewers
- Previous village map advised this land could not be built on, why haven't we been informed of change?

ii) Objection

- Flood exceedance Flow Route - Has permission being sought for Flood water to flow onto MOD?
- Flooding occurs in both fields after heavy rainfall. Raised land would increase flood risk to our home
- Main sewer is a huge problem, often faulty sewerage system, sewers at capacity, frequent blockages
- Underground springs and former pond
- Question purpose of pumping station and attenuation crates?
- Surface water to be discharged to a ditch will flood fields
- Submission states finished floor level will be set above surroundings levels how will this affect the surrounding properties?
- pumping station will be sited near a natural spring/pond
- Noise levels from pumping station
- Loss of trees, ancient woodland and rookery
- Harm to landscape
- What is the point of TPOs if they can be cut down for a small development not essential for housing requirements, just financial gain?
- East elevation of properties on Half Moon Street is their front not rear
- Noise pollution, disturbance, damage to surrounding properties
- Access next to bus stop and streetlight. Bus regularly waits for a long time.
- No employment in Linton, cars will be used to travel to employment

- Poor bus service No 29 to York, no transport available to nearest Doctors, Dentist or major supermarkets
- Poor visibility at access
- 159 vacant properties in village which may soon be on sale. More than sufficient supply of homes
- Houses not required until there is a clear indication what the MOD will do with the present housing stock.
- The village needs affordable housing, existing housing stock should be used, not a greenfield site
- Some MOD homes are currently for sale that would contribute to affordable housing
- No valid reason for further 17 houses with impending release of MOD stock
- Access too close to Half Moon Street
- Loss of privacy
- Light pollution
- Street lights and car headlights will disturb sleep
- Possible damage to previously collapsed bridge by construction traffic between Linton-on-Ouse and Newton-on-Ouse
- Potential harmful land contamination
- Manor House is a prominent attribute, harm to its appearance
- Loss of habitats
- Fences restrict hedgehog movement
- New owners will wish to remove trees to north boundary as too close, these trees absorb water. Will a TPO be imposed?
- Previous refusal for a house on grounds of loss of trees
- Existing boundary treatment between Half Moon Street and site is chain link fencing. No information about additional fencing
- RAF base closing. Linton is no longer a service village
- No benefit to village
- full consultation meeting should be held with the residents to provide clarity and justification
- Has a bat survey been carried out?
- Residents on other side of Half Moon Street have not been consulted
- No commitment to green issues, solar panels, heat pumps, EV chargers
- Developers may need entry to my garden, which may not be permitted
- Development too dense affecting feel of neighbourhood

5.0 Analysis

5.1 The main issues to consider are i) Principle, ii) Affordable housing, iii) Housing mix iv) Highway issues, v) Layout and design, vi) Amenity, vii) Biodiversity, landscape and ecology, viii) Flood risk and drainage, ix) Contaminated land, x) Impact on heritage assets, xi) Public open space

i) The principle of development

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 HG5 Windfall Housing Development
- 5.4 Policy S3 sets out the settlement hierarchy. Linton on Ouse is identified as a Service Village within the Easingwold sub area. Service villages are expected to see development. This is because they have been identified as having better access to services and the settlement character would be able to accommodate new development. The justification to the policy states at paragraph 3.39 'Delivery of more affordable housing in rural areas is a Council priority. Further development will be supported on sites that come forward during the plan period, known as 'windfall sites'.
- 5.5 Policy S5 relates to development in the countryside and sets out what constitutes the built form of a settlement. Land outside the built form is defined as countryside. The application site is surrounded by built form and gardens relating to built form to all sides. The site is considered to be within the built form of the settlement.
- 5.6 Local Plan policy HG5 provides support for windfall housing development. HG5 states a proposal for housing development within the main built form of a defined settlement will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development., subject to provisions within the policy criteria c-e
- 5.7 Criterion c) requires that the proposal is considered to represent incremental growth of the village that is commensurate to its size, scale, role and function. It is considered that a scheme of 17 dwellings is at the upper end of what may be considered incremental growth in the settlement of the size of Linton on Ouse.
- 5.8 Criterion d) requires that the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. The site is enclosed by neighbouring development and gardens on all sides. The proposal is not considered to result in the loss of important open space.
- 5.9 Criterion e) requires that 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. The location of the site is enclosed and has an association with the surrounding built form and avoids detrimental impact to the character and appearance of the village or countryside. There would, however, be a significant change to the character of the locality and streetscene caused by removal of the three mature trees at the site entrance.
- ii) Affordable housing
- 5.10 Policy HG3 requires development for new market housing, to provide 30% affordable housing including a mix of tenures, subject to identified need, consisting

of one third each of i) affordable rented ii). social rented; and iii). intermediate dwellings (shared ownership) or other types of affordable home ownership and for the affordable homes to be dispersed in small clusters across development sites; be externally indistinguishable in terms of design and materials from any market housing on the site; and be transferred at transfer prices set out in Supplementary planning documents.

- 5.11 The submitted proposal exceeds the level of affordable housing required, providing 12 of the 17 units as affordable housing equating to 70.5%. The proposed tenure mix provides 50% affordable rent (6 units), 33% shared ownership (4 units) and 25% discounted sale. (3 units). Whilst this tenure mix differs from the policy the agent has commented that as the policy requires only 30% affordable housing the proposal exceeds the specified tenure mix required for that 30%. The affordable units are dispersed throughout the site. The 5 open market houses are all detached bungalows, whilst only one of the affordable houses is a detached bungalow, the remainder of the affordable units are semi-detached houses. Whilst the affordable semi-detached homes are well designed, their appearance does differ from the open market bungalows
- 5.12 The applicant has submitted an affordable housing statement advising the applicant, Mulberry Homes Yorkshire is the development arm of Broadacres Housing Association, a leading provider of affordable housing in Hambleton. Paragraphs 5.13 and 5.14 read:

‘Information from North Yorkshire Home Choice shows that of the 1,111 households on the Hambleton Housing Register in May 2022, 266 applicants seek a home in the Easingwold and Easingwold rural area within which Linton on Ouse lies. This is equivalent to almost one quarter of the Housing Register. Of these households, some 156 applicants have an assessed need for a one bedroom dwelling; 65 applicants for a two bedroom dwelling; 35 applicants for a three bedroom dwelling; 9 applicants for a four bedroom dwelling, and 1 applicant for a five bedroom dwelling’.

The submitted affordable housing statement also makes extensive reference to two recently allowed appeal decisions (both 2021) for affordable housing at Saxty Way Sowerby and Back Lane Sowerby where the issue of affordable housing need was discussed.

- 5.13 The Council’s Rural Housing Enabler has commented the affordable housing statement is too generic, does not identify a specific demonstrable need in the location, and would like to see the local need demonstrated in a parish housing needs survey. A local needs survey should be undertaken so that the proposed dwellings match the local needs.
- 5.14 It is understood a housing needs survey is underway which can take 3 – 4 months to complete, however the applicant has advised that Broadacres have their own information regarding housing need and their own system to allocate dwellings based upon need. The agent is to supply additional information prior to the Committee meeting to demonstrate there is a need for 12 affordable housing units in this location.

iii) Housing mix

- 5.15 Policy HG2 requires all new residential development should assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure, and supports development where a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing; and all homes meet the National Described Space Standards (NDSS), or any successor standards/policy.
- 5.16 A new Housing Supplementary Planning Document (SPD) has been approved by Cabinet and is scheduled to be adopted by Council.

Market Housing

- 5.17 For market housing the SPD requires a target range of
5-10% 1 bedroomed homes,
40-45% 2 bedroom homes,
40- 45% 3 bedroom homes and
0-10% 4+ bedroomed homes.
The SPD states at paragraph 3.7 the Council is keen for developers to include 2 bedroomed bungalows in their schemes. and at paragraph 3.9 the target mix for market housing reflects the Council's objective of increasing the number of two and three bedroom homes.
The scheme proposes
2 x 2 bed and
3 x 3 bed market homes
This equates to 40% two bedroomed and 60% three bedroomed. All 5 of the market homes are bungalows. This is considered to broadly accord with the SPD

Affordable Housing

- 5.18 The target mix for affordable housing the SPD is
20-25% 1 bedroomed homes
50-60% 2 bedroom homes,
10-20% 3 bedroom homes and
0-5% 4+ bedroomed homes
The SPD states at paragraph 3.10

'The mix for affordable housing is weighted towards one and two-bedroom houses reflecting the demand for, and turnover of, one-bedroom homes in this sector and statutory homeless responsibilities of local authorities. However, it is recognised that the need for affordable housing of different sizes will vary by area at a more localised level and over time. In considering the mix of homes to be provided within specific developments, therefore, the mix range should be taken into consideration alongside details of households currently on the Home Choices Housing Register in the local area and the stock and turnover of existing properties'.

The proposed mix of the affordable homes is
7 x 2 bed and

5 x 3 bed,

This equates to 58% two bedroomed and 41% three bedroomed All are two storey houses except 1 x 3 bed bungalow. None of the required 20-25% 1 bedroomed homes are provided.

The agent has indicated verbally there is no evidence of demand for 1 bedroomed houses, particularly post covid when more people are home working, and will supply evidence to support this. This would however appear to contradict the information on Home Choice register, the submitted Affordable Housing Statement refers to the highest proportion of applicants, 156 having an assessed need for a 1 bedroomed property, and the comments received from the Rural Enabling Officer refer to 137 applicants, again the highest proportion requiring a 1 bedroom property. Providing the evidence to be received does support a lack of need for 1 bedroom homes, then the proposal could comply with the policy.

- 5.19 At the close of the report writing period the agent has advised Broadacres has been in discussions with the Councils housing team about the proposed mix and commented the Rural Housing Enabler has offered support to the scheme if it includes some 1 bedroomed dwellings, and that a housing needs assessment won't be necessary. Amended plans are awaited and a further consultation will be undertaken with the Rural Housing Enabler upon receipt and may require wider consultation.

iv) Highway issues

- 5.20 Local Plan policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 5.21 An existing vehicular access point from the highway is to be widened and used to serve the dwellings. Occupants of The Manor House will retain use of the separate existing vehicular access to the south-east. Parking for the proposed dwellings is provided within the site. The Local Highway have no objections and recommend conditions. Third party representations have commented that buses parked at the bus stop would block visibility. The highway authority have acknowledged this and comment it would only be a temporary situation and not considered to be a significant impediment to highway safety. It is expected that when a bus is at the stop, a driver emerging from the development site would either move out carefully until they can see oncoming traffic or wait until such time that the bus moves away.
- 5.22 Paragraph 111 of the NPPF states development should, only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the cumulative impacts on the road network would be severe. The Highway Authority do not consider there to be an unacceptable impact on highway safety, and neither are the cumulative impacts considered to be severe. Highway safety, access and parking are considered to have been satisfactorily addressed. The proposal therefore fulfils Local Plan policy IC2.

v) Layout and design

- 5.23 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. The proposal is a cul-de-sac development which is characteristic of the locality. The village has several cul-de-sac developments extending off both sides of the Main Street. The dwellings are considered to be well designed, and are proposed to comprise a mixture of materials including brick, white render, pantile and concrete slate tile. These materials are used in the locality. Amended plans incorporate some design amendments suggested by the Designing Out Crime officer. A footpath extends from the Main Street into the site. The applicant has been requested to consider a link from the head of the cul-de-sac to the public open space located near the site entrance. The agent has commented the footway runs the entire length of the access road, and the site isn't huge so the public open space is easily accessible to every house. The proposed development will be in accordance with Local Plan Policy E1.

vi) Amenity

- 5.24 Policy E2 states that all development proposals must protect amenity, particularly privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed access and dwellings are an acceptable distance from the facing elevation of the dwellings on Half Moon Street, the closest dwelling, plot 1 on the application site is single storey, and has a bathroom window and partially glazed utility door facing towards numbers 79 and 80 Half Moon Street. There is a front to side separation distance between the proposed bungalow and the two storey elements approximately 13m from No 79 of and 15m from No 80. No 79 has a single storey conservatory facing the site extending to approximately 4.5m of the joint boundary, the conservatory faces towards the recessed area of plot 1 with a separation distance of approximately 13.1m. The scheme proposes to replace the existing mesh fence between the gardens of Half Moon Street and the site with a 1.8m fence. The proposed dwellings are an acceptable distance from the rear of dwellings on Main Street, again the closest proposed dwellings are bungalows, plot 13 has a bathroom window and partially glazed utility door, and plot 12 has a blank gable facing this southern boundary, and a new 1.8m high fence is proposed along this boundary.
- 5.25 Additional information has been received from the agent regarding any noise from the pumping station, advising the 15m distance from habitable dwellings accords with Yorkshire Water/sewerage sector guidance standards. Environmental Health have assessed the details and are unable to make an informed response until the relevant information and data has been provided. This has again been requested from the agent. Subject to the receipt of noise levels from the pumping station and a satisfactory response from Environmental Health, the proposal is not considered to result in a loss of amenity to neighbours due to noise, overlooking, overbearing or overshadowing impacts.
- 5.26 It is also necessary to consider amenity levels to be afforded to future occupants of the proposed dwellings. The internal space and layout of each dwelling complies with the National Described Space Standards. The dwellings have been re-sited very slightly to provide larger rear gardens to plots 7-17, these now range from 8.8 to 10m. This re-siting has reduced the front to front distance between plots 7-11 and 14-17 to approximately 19.5m and between plots 12 and 13 to approximately 18m although the latter are separated by hedges. These separation distances are relatively tight but acceptable in this instance. Following amendments to accord

with the Designing Out Crime comments plots 5 and 6 have facing ground floor bedroom secondary windows with approximately 5.5m separation distance. The agent has commented the windows are very small and off-set from each other, intervisibility would be very limited and most likely broken by parked cars, and as secondary windows occupiers can fit privacy blinds if required. Whilst a landing is not a habitable room, facing landing windows between plots 9 and 10 are extremely close, with a separation distance of approximately 0.7m, similarly the gap between facing landing windows of plots 15 and 16 is only approximately 2m. The agent has advised obscured glazing could be fitted to these windows. Having regard to the above the proposal is considered to afford an acceptable level of amenity future occupants.

vii) Biodiversity, landscape and ecology

5.27 Policy E3 The Natural Environment requires all proposals to demonstrate a net gain for biodiversity. Policy E7: Hambleton's Landscapes seeks to protect and enhance the distinctive landscapes of the district and states a proposal will be supported where it seeks to conserve and enhance any existing tree, hedge or woodland of value that would be affected by the proposed development. Should a development, including infrastructure provision, result in the loss, threat or damage to any tree, woodland or hedge of visual, heritage or nature conservation value this would only be acceptable where:

g). a replanting scheme is agreed and this would include new native trees to form part of landscaping and improve tree canopy, the form of which will be determined by negotiation;

h). for larger developments it would include a sustainable tree management programme in order to ensure any new trees, hedgerows or woodland are established

i) any new species should provide local distinctiveness within the landscape, and support biodiversity;

j). any tree planting is the appropriate type of tree for the location, including distance to buildings considering root spread; and

k). any loss or deterioration of irreplaceable habitats such as ancient woodland and/or veteran trees is justified by wholly exceptional reasons and a suitable compensation strategy is agreed.

The justification advises at paragraph 6.73 'It is essential that the presence of existing trees be considered at an early stage in the development process and that where appropriate, provision is made for new tree planting. Whilst trees can be seen as a constraint, with sympathetic design they can enhance a development. Some specific trees or groups of trees are of particular value such that their removal would have a significant impact upon the local environment and its enjoyment by the public. Paragraph 131 of the NPPF states:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change and that existing trees should be retained wherever possible.'

5.28 The proposal involves the removal of 3 trees, one of which is protected by a Tree Preservation Order and the access road extends close to other TPO protected trees further west. The application is submitted with an Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan.

- 5.29 Trees proposed for removal include those identified in the Arboricultural Survey as Trees 1, 5 and 13, along with hedgerow 3. Tree 1 is located outside of the site within the grass verge to the frontage, and is identified as a category B1 mature Sycamore, 10m high, with a life expectancy of 20+ years. Trees 5 and 13 are both category A1 trees. Tree 5 is located within the existing front garden to The Manor House, is a mature Wellingtonia, 28m high with a life expectancy of 40+ years. This tree was protected by a TPO following an earlier application in 2007 which involved removing the tree. Tree 13 is a mature Horse Chestnut located within the field close to the western boundary, 22m high with a life expectancy of 40+ years.
- 5.30 The submitted Impact Assessment comments the removal of tree 1 would have a moderate negative impact on the streetscene, removal of tree 5 would have a substantial arboricultural and visual impact, and removal of tree 13 would have high arboricultural impact. Hedgerow 3 is a small length of low quality Cypress hedging within the front garden. Its removal is not considered to have a harmful impact either visually or arboriculturally. The Method Statement recommends tree protection measures for retained trees. The loss of the three trees which all are considered to make a significant contribution the wider character of the locality is a matter of very great concern and is a material consideration of significant weight in the determination of this application. Overall the removal of the trees is contrary to the provisions of policy E7 as it fails to conserve existing trees of value.
- 5.31 A Biodiversity Metric test has been submitted to calculate the baseline value of the site (before development) and the post-development value in order to calculate the Total Net Unit Change. The metric shows a net gain in hedgerow units, but a loss in habitat units. The agent has been advised a loss of habitats units cannot be offset by creating hedgerow units. These are treated separately in biodiversity metrics and it is necessary to achieve net gain in both measurements. The agent is currently addressing this issue and further information is expected prior to the Committee meeting
- 5.32 The application is submitted with an Ecological Appraisal. The appraisal finds the proposals will have no impacts on statutory or non-statutory nature conservation designations. Predominant habitat on-site was improved grassland low species diversity. The buildings to be demolished have negligible bat roosting value. Hedge 3 to be removed has little ecological value to wildlife except bird nesting. The three trees to be removed are unlikely to have any significant effect on the ecological value of the site. There is no evidence of badgers or roosting bats, the dominant habitat is to sub-optimal for Greater Crested Newt, the site has moderate suitability for nesting birds, is unsuitable for reptiles, has optimal commuting, sheltering and foraging habitat for hedgehogs The site was considered to be of overall low ecological value. Mitigation measures are recommended Heras fencing to protect root zones of trees to be retained; precautionary working in relation to hedgehogs; implementation of a sensitive lighting scheme; a series of bat and bird boxes incorporated into the new development; covering any excavations overnight; maintaining ecological connectivity post-development; installation of bat and bird boxes; and wildlife friendly soft landscaping.
- 5.33 The application is submitted with a landscaping scheme including the planting of 3 trees close to the site access and the adjacent TPO'd trees. In total 20 trees are proposed around the site, along with sections of hedge planting, shrubbery planting

within the site, shade tolerant wildflower grassland beneath the tree canopy of the existing trees on the north boundary and meadow grassland to the public open space. The landscaping scheme is generally acceptable. New 1.8 and 1.9m high fencing is proposed to the west, east and part south boundaries of the site. No detail has been provided of the boundary treatment to the east of the driveway to separate the drive from The Manor House. The use of hedging would be a more appropriate treatment for some boundaries. A scheme of boundary treatments will be required by condition

viii) Flood risk and drainage

- 5.34 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner
- 5.35 The site lies within Flood Zone 1. The submitted Flood Risk Assessment advises the site is at low risk of flooding from tidal, fluvial, sewer, overland, groundwater and artificial sources post development. Impermeable areas will be positively drained via an infiltration drainage system. Finished floor levels are to be set above surrounding levels and surface water directed to on-site attenuation and pumped to an off-site Yorkshire Water surface water sewer at an agreed rate.
- 5.36 Yorkshire water have commented: The submitted 'Drainage Philosophy' 20T2106 prepared by BGP, dated 10/02/22 is acceptable. In summary, the report states that a.) Foul water will discharge to public foul via pumping station at a pumped rate of 5 litres per second. b.) Sub-soil conditions do not support the use of soakaways c.) A watercourse exists is remote from the site d.) Surface water will discharge to public surface water sewer via storage and pumping station with a pumped rate of discharge of 5 litres per second
- 5.37 The proposal should not increase flood risk elsewhere off site as the discharge rate is restricted, impermeable areas will be positively drained, and the site allows extreme rainfall events to pass along the site perimeter that is away from residential property. There is a submitted Flood Exceedance Plan based upon a complete drainage system failure showing the flow path partially to the Main Street and mainly through the trees to RAF land beyond. The disposal of water onto land within the RAF Linton on Ouse site is a matter that will require resolution between the developer and the adjoining landowner. This has been queried with the agent and a response is awaited
- 5.38 Subject to conditions the proposed development satisfactorily deals with flood risk and drainage and therefore the provisions of policies RM1, RM2 and RM3 are satisfied.
- ix) Contaminated land.
- 5.39 Local Plan policy RM5 requires that communities are kept healthy and safe from proposed developments. The application is submitted with a Phase 2 Site

Investigation report compiled by Solmek Ltd. The report identifies potentially harmful contamination in one area of the site and recommends a remediation strategy to address these issues. In light of this information, the applicant is required to submit a comprehensive remediation strategy for this site. Environmental Health (contaminated land) have been consulted. Conditions are recommended to require the applicant to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment.

x) Impact on heritage assets

5.40 Local Plan policy E5 relates to development affecting heritage assets and policy S7 relates to the historic environment requiring conservation of Hambleton's heritage assets appropriate to their significance. There are no heritage assets within the vicinity of the application site. The village does not have a conservation area, and the closest listed building (Manor Farm Grade II) is approximately 210m to the south-east and the construction of additional dwellings to the rear of The Manor House would not alter the setting or significance of Man Farm. The proposal meets the requirements of policies S7 and E5.

xi) Public open space

5.41 Policy IC3 requires a proposal for housing development of 10 or more dwellings to make provision for public open space (POS). The proposal includes an area of public open space above the surface water attenuation tanks noted above. The location of the POS abuts the access to the site and will require appropriate boundary treatments for the safety of users. The POS is also shown to be enclosed by hedging, maintenance at an appropriate height will be necessary to achieve passive surveillance from new homes. The size (approx. 25m x 15m) is of sufficient size to provide useful open space that can accommodate children's local area for play.

Planning Balance

5.42 The application is acceptable in principle.

5.43 The proposal results in the removal of 3 trees, identified in the arboricultural survey as T1, T5 and T13 comprising 2no. category A1 trees and 1no. category B1 tree. All three trees are in good health and contribute significantly and positively to the streetscene. The loss of the trees would result in environmental and social harm. The delivery of 70% affordable housing (being 40% above the policy requirement) is a significant benefit that creates social gain. It is a matter for the Committee to decide whether the harm from the loss of the trees is outweighed by the benefit of additional affordable housing. The weight that can be attributed to the provision of affordable housing is reduced by the current lack of a local needs study that would evidence the specific level and type of housing needed.

5.44 It is anticipated that a housing needs survey will be provided and subject to the needs being matched by the proposal development or the proposal being varied to meet the expressed needs the proposed development of 17no. dwellings can be supported under Policy HG 5 (Windfall Housing Development). As noted elsewhere in this report this is subject to the receipt of evidence to demonstrate the following:-

- i) There is a need for affordable housing in this location.
- ii) There is no demand for 1 bedroomed affordable homes contrary to the previous research findings such that the policy HG2 and the Councils housing mix requirement set out on the Housing SPD, that anticipate need for 1 bedroom homes is not required in this case; or receipt of satisfactory amended plans including one bedroomed dwellings
- iii) Receipt of details of noise levels from the pumping station and confirmation from Environmental Health they are satisfied the pumping station will not result in noise issues that would result in a loss of amenity to neighbours, to comply with policy E1.
- iv) Receipt of a satisfactory Biodiversity Metric test to demonstrate a net gain in both hedgerow and habitat units, to comply with policy E3
- v) That the Flood Exceedance route draining onto MoD land has been notified to the landowner with certificate B being served.

5.45 Only if all of the above 5 matters can be addressed can the benefit of additional affordable housing that meets local housing needs be considered to outweigh the harm caused by the loss of the important trees on the site frontage and outweigh the conflict with policy E7.

5.46 In the absence of this information the application would be recommended for refusal

6.0 Recommendation:

6.1 That subject to the receipt of the above information at 5.46 (sections i-v of the planning balance), and the satisfactory prior completion of a planning obligation to secure the affordable housing and public open space provision, the application be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Compliance with approved drawings – *awaiting final revisions of drawings*.
3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. 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. drawings

5. 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.
6. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of Main Street from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times
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. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:
 - 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' site operatives and visitor's 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.
9. The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Philosophy' 20T2106 prepared by BGP, dated 10/02/22", unless otherwise agreed in writing with the Local Planning Authority.
10. 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.

11. 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.
12. In the event that unexpected contamination is found at any time when carrying out any approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority
13. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
14. Development shall be carried out in accordance with the recommendations at Section 4 of the Arboricultural Impact Assessment and the Tree Protection Plan prepared by Elliott Consultancy Ltd dated September 2021
15. Development shall be carried out in accordance with the recommendations at Section 5 of the Ecological Appraisal prepared by Naturally Wild dated October 2021
16. All existing hedges shall be retained, unless shown on the approved drawings as being removed.
17. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, of that dwelling unless those elements of the landscaping scheme which are shown on drawing number XXXX received by the Hambleton District Council on XXXX been planted or seeded in those positions.
18. Notwithstanding the submitted details the first floor landing windows to plots 9,10,15 and 16 shall be obscure glazed to level 3 or higher of the Pilkington scale of privacy or equivalent and that level of obscure glazing shall be retained throughout the life of the development.
19. Hedgehog gaps in new fences