

Parish: Snape With Thorp

Committee Date : 29 September 2022

Ward: Tanfield

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Officer dealing : Mr Andrew Cotton

Target Date: 15 December 2020

Date of extension of time (if agreed):

20/02047/OUT

Application for Outline planning permission with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue.

**At: Prices Paving And Tiles Limited The Manor House Snape North Yorkshire
For: Prices Paving & Tile Ltd.**

1.0 Site, Context and Proposals

1.1 This planning application is in outline for access only for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue.

1.2 Given the nature of the application being outline for access with all other matters reserved for future consideration, the submission included limited plans consisting of a location plan, site access layout and illustrative site layout plan. Accompanying these plans and in support of the proposal the following documents have also been received:

- Design, access and landscape statement
- Planning and heritage statement
- Statement of community involvement (SCI)
- Transport Statement (TS)
- Preliminary ecological appraisal (PEA)
- Archaeological assessment
- Preliminary assessment of land contamination (PALC)
- Phase I land contamination assessment (Phase I)
- Flood risk assessment (FRA)
- Surface water management report
- Vacant Building Credit Statement (VBCS)

1.3 The site is previously developed land adjacent to the village on the southern side of the main village street with countryside beyond. The site is owned and operated as a commercial premise by Prices Paving and Tile Ltd.

1.4 The 1.36 hectare sites extends the south, forming a roughly rectangular shape, with the only access from the north off The Avenue. The building to the west of the access currently comprises a residential unit fronting The Avenue with the rear section of the building used as an office associated with the existing use of the site. The building to the east of the access is Wesleyan Methodist Church.

- 1.5 The majority of the site is hard surfaced and is used for a mix of customer parking, servicing, storage and display of new and reclaimed items for sale. The southwest of the site is occupied by large modern metal clad storage units.
- 1.6 The norther most part of the site lies within the Snape Conservation Area; there are no listed buildings within the immediate vicinity.
- 1.7 The site is liable for 30% affordable on the part of the site within extent of the previous allocation and 100% affordable outside of this. The applicant has agreed to provide a total of 6 units affordable out of the 32 units proposed.

2.0 Relevant Planning History

- 2.1 04/02265/FUL – Construction of an industrial unit. Granted 31.01.2005
- 2.2 13/02318/FUL – Change is use from manufacture, storage and distribution to storage and distribution. Granted 15.01.2014

3.0 Relevant Planning Policies

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Policy S1 – Sustainable Development Principles
Policy S2 – Strategic Development Needs
Policy S3 – Spatial Distribution
Policy HG2 – Delivering the Right Types of Homes
Policy HG3 – Affordable Housing
Policy E1 – Design
Policy E2 – Amenity
Policy E3 – Natural Environment
Policy E4 - Green Infrastructure
Policy E5 – Development Affecting Heritage Assets
Policy IC1 – Infrastructure Delivery
Policy IC2 - Transport and Accessibility
Policy IC3 – Open Space, Sport and Recreation
Policy RM2 – Flood Risk
Policy RM3 – Surface Water and Drainage Management

Housing Supplementary Planning Document, Adopted July 2022
Open Space Sport and Recreation Supplementary Planning Document, Adopted February 2011
Size Type and Tenure Supplementary Planning Document, Adopted September 2015
Sustainable Development Supplementary Planning Document, Adopted April

2015

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4.0 Consultations

4.1 Snape and Thorpe Parish Council –

1. *Background*

This application has been submitted at a time when, due to Coronavirus, it has not been possible for the Parish Council to hold an open meeting to consult the residents of the Parish on this matter.

The recent consultation process by Price's Pavings has fallen short in not contacting the whole village community. The Parish Council has attempted to rectify this by the circulation of a newsletter drawing attention to the planning application and then by sending to all households the intended Parish Council comments to be made on this application.

185 households were sent the Parish Council's proposed comments and 76 (41%) responses were received representing 37% of the parish electorate. Approximately 50% of households in the village responded. All but one of the responses supported the Parish Council's comments. This response rate indicates the strength of feeling in the community which needs to be recognised by HDC. Should HDC wish to have sight of the summarised responses please contact Sarah Lowe, Clerk.

2. *Particular areas of concern to the Parish Council*

Number of houses

- A development of 32 houses is inappropriate for the size of our community and would impact adversely on the character of the village. There is no justification given for this number of properties. A maximum of 20 would be more realistic and would be in line with the HDC's own document – 2016 Hambleton Local Plan Preferred Options Consultation report. This plan was drawn up by HDC involving much effort and resources so it is unclear why this would not now be followed. The Parish Council would only support a development of up to a maximum of 20 properties on the site.

Flood Management

- Without the full confirmation of what drains are on site it is unclear how firm conclusions can be made about the flood management on site. We are concerned about the proposal for a drain 450mm in diameter giving rise to considerable drainage from the site onto the road and stream which is already very prone to flooding during wet weather. The flooding on the proposed development site may be managed but there is no indication of how flooding elsewhere in the village will be controlled given that significant housing to the east is at a much lower level than this proposed development and is already at risk. The Parish Council is currently discussing, with NYCC, the flood risk at Marina bridge in the centre of the village where flooding of this area and onto Meadow Lane has occurred from the beck in the recent past.

- We are concerned that building on a zone 3a area is proposed given all the risks this will involve for such housing.
- The measures for housing to have no carpeted or habitable rooms on the ground floor does not seem possible for the bungalows proposed on the site.
- The measures proposed involve significant regular maintenance. It is very unclear how this will be achieved and policed to ensure protection of the site and housing and limited impact on the rest of the community post development and for the expected 80 year duration of the housing.

Sewerage system

- Inclusion of grey water in the flow into the sewage is not acceptable and should not be allowed to happen. The current sewage system cannot cope now during periods of wet weather. Raw sewage already rises in gardens on Ings Lane. HDC is already aware of these inadequacies as it is an issue raised by the Parish Council each time a new property is proposed in the village. Yorkshire Water is already aware but nothing is done. This can only be improved by either a much bigger combined drain or a new top water drain. The proposed developments should not be permitted without a demonstrable plan prepared to address current and future problems.

Contamination of the site from its prior use

- The site has been a commercial site for some time. It is considered that contaminants associated with a wood tanning plant and asbestos dump may be present alongside the already noted asbestos in the buildings. There may be a disused vehicle fuel tank close to Manor House as well as the vehicle fuel close to the main building at the south of the site.
- The safe removal of these contaminants must ensure the safety of local residents especially those in very close proximity.

Roads and Traffic

- There is not sufficient width in the proposed egress from the site for two cars to cross safely alongside a footpath wide enough for a wheelchair/pushchair.
- There is not sufficient space for two cars to pass outside The Old Vicarage/Pennybeck to the west of the egress from the site; this is already causing damage to the road verge/village green
- The transport infrastructure is not as claimed in the supporting documentation. There is a limited bus service on 3 days per week and the rural road system is not conducive to cycling or walking as a means of accessing schools/amenities etc outside the village. Cars will be used by the residents of this development on a system that cannot cope presently with cars passing each other safely in the village. The assessment of less than one car every 3 minutes during peak times moving off/on the site is questionable especially as this assessment is based on traffic in urban areas.

- There is no footpath to the immediate west of the egress so safety for pedestrians is an issue.

3. *Errors*

There are numerous errors in the submissions made in support of the application which need to be rectified before the Planning Committee consider this application fully. For instance, the Transport Statement states there are two public houses in the village. There is only one. There is reference to two bus stops in the village – there is only one official stop.

4. *Assumptions*

A number of assumptions are made; for instance in the Flood Risk Assessment it states “It is believed that that there are existing drainage networks within the site serving the office building and warehouse, but a drainage survey to confirm this are yet to take place. It is also believed that there are existing public sewers and water mains within The Avenue to the north of the development site, due to the close proximity of residential dwellings”. This surely undermines the flood risk plans put forward in this document as they are made on assumptions only.

5. *Conclusions*

The lack of an opportunity for full and meaningful consultation due to the virus has meant that the Parish Council has had to make a concerted effort in a short timescale to consult local residents on an application which will have a significant impact on the community. The response received and described above is evidence of the strength of feeling from parishioners.

The Council makes the following observations:

- The Snape with Thorp Parish Council refuses this application in its present format.
- The Council would give consideration to a smaller development of a maximum of 20 properties with affordable housing and a mixture of house sizes.
- The Council would want the erroneous information on which conclusions have been reached to be corrected and conclusions accordingly revised before HDC gives consideration to this or any further application.
- The Council would want to see the opportunity for any revised application to be available for full and meaningful consultation with the whole community.
- The Council could not accept a development of housing on this site without a demonstrable plan being developed involving HDC, NYCC and Yorkshire Water which ensures that the flood risks are controllable and will not impact elsewhere on the rest of the community and that the sewage system is capable of dealing with the new demand on it from such a development.

4.2 NYCC Highways – No objections subject to conditions.

4.3 NYCC Lead Local Flood Authority (LLFA)- No objection subject to conditions.

4.4 Environment Agency (EA) – 16/8/2021 The modelling, hydrology and report submitted have now all been signed off and agreed. We are now able to remove our objection as the entire site is now shown to lie within flood zone 1.

- 4.5 Yorkshire Water - No objection subject to conditions regarding the separation of foul and surface water, details of surface water outlet. It is noted that Yorkshire Water state that surface water can not be discharged to the public sewer in any circumstances.
- 4.6 Environmental Health (Contaminated Land) - No objection subject to conditions
- 4.7 NY Police – No objection. Advice and recommendations provided through design out crime report.
- 4.8 Street naming and numbering – No application required.
- 4.9 Public comments – a total of 24 representations have been received, mainly objecting to the proposed development, with only 2 representations in support. A number of the objections support a smaller scale of housing on the site but are concerned about the large scale of the proposals.

Objections

- Concern over flooding
- Not convinced by the EA change of position
- It is not clear how surface water will be managed
- This site does flood
- The site is approximately 1m above neighbouring levels and as such has the capability of flooding neighbours
- Harmful impact from increased traffic in the area
- Electricity supply will not cope with additional load
- A smaller development should be considered a 23% increase in the village is too much
- The layout of the road in the vicinity is not suitable for the formation of the access into the site
- Access between two buildings is not wide enough
- There has been little consideration of the Conservation status of the village
- Sewage system does not cope, at present and this will only make it worse
- Concern about inaccuracies in the applicant's submission
- Snape is a linear village and this proposal is harmful to the character of the settlement
- Concern about the future management of SUD features
- Not clear about the impact on Prices Paving as a business
- Inadequate footpaths to and from the development for access to the school
- Site contamination could impact on residents and neighbours
- Not a sustainable location owing to a lack of public transport
- Additional disturbance in the village will harm the tourism industry on which a number of residents rely
- The proposals are not cycle friendly

Support

- The village needs new housing

- Affordable housing is essential for the village
- The development site is ideal, being in the middle of the village and not green space
- This development will bring some life into the village

5.0 Analysis

5.1 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, applying all relevant Development Plan policies, and considering all other policy and guidance (including the NPPF and PPG) and all other material planning considerations, including representations received, it is considered that the main planning considerations raised in relation to the determination of this application are as follows:

- Principle of development;
- Affordable housing provision, housing mix and quantum of development;
- Impact on heritage and the character, appearance and visual amenity of the area;
- Highway safety and access;
- Flooding and drainage;
- Impact on neighbour amenity;
- Ecology;
- Land contamination; and
- Open space, sport and recreation.

Principle of Development

5.2 At the time the application was submitted the northerly portion of the site was allocated for residential development under Allocation BH8 of the former Local Development Framework. Subsequently a new Local Plan was adopted in February 2022. At the point of the adoption of the new Local Plan the previous LDF allocations cease to be. Given the adoption of the new Plan, the sites former status as an allocated site can no longer be given weight in the determination process although it must be noted that the application was submitted when the allocation was up-to-date planning policy. The Local Authority has an obligation to determine the planning application based on the current adopted Local Plan and the following assessment is based only on adopted policy as a result.

5.3 The application site forms previously developed land within the settlement of Snape. Policy S3 defines Snape as a Service Village meaning it is a suitable place for development in terms of the sustainability of location.

5.4 As mentioned above the application site is no longer allocated for residential development under the new Local Plan. Policy HG5 Windfall Housing Development makes provision for residential housing development within and adjacent to the built form of the settlement. Policy S5 defines the built form of the settlement as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them, as well as setting out exceptions to this (criteria a-e). The site is located relatively centrally within the village and historically has been used and operated as a commercial premises, the former allocation BH8 covered a large portion of the

front part of the site. As such considering the definition set out in policy S5 the site is considered to be partly within the built form of the settlement and otherwise adjacent to it. Accordingly, within the built form of a settlement Policy HG5 supports residential development 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. The site is not protected or allocated/safeguarded for another type of development, albeit the front portion falls within the Conservation Area (discussed in more detail in the report below), and as such the proposal takes support from Policies S3, S5, and HG5.

- 5.5 It is considered that the proposal accords with the provisions of policies S1, S2, S3, S5 and HG5 of the Local Plan and as such the principle of development in this location is considered acceptable.

Affordable housing provision, housing mix and quantum of development

- 5.6 Local Plan policy HG3 requires that for residential development of 9 units or more 30% affordable housing should be provided unless a viability appraisal evidences that this is not deliverable. The applicant has submitted a Vacant Building Credit Statement (VBCS) which sets out background and site-specific calculations to seek to demonstrate the amount of affordable housing the site must deliver. The Council's adopted Housing SPD also sets out the criteria and methodology for applying VBC to proposals.

- 5.7 The VBCS calculates that the existing Gross Internal Area (GIA) (as defined by RICS Code of Measuring Practice) is 2,585.77m² with a proposed GIA of 3159.55m². At 30% affordable housing the site would normally be required to provide 9.6 affordable units. Inputting this requirement into the VBC calculation, the required provision is reduced to 1.8 units. The applicant has agreed to a provision of 6 units across the site which would be in excess of the required provision by 4.2 units. The over provision of affordable housing on the site weighs in favour of the proposed scheme.

- 5.8 With respect to Affordable housing the Council's new Housing Supplementary Planning Document (Table 3.1, page 10) seeks an affordable housing mix of 20-25% one bed homes, 50-60% two bed homes, 10-20% three bed homes and 0-5% four bed homes with a tenure split of 33% social rent, 33% affordable rent and 33% affordable home ownership (intermediate housing) in accordance Policy HG3 of the Local Plan.

- 5.9 An appropriate mix of housing and compliance with the Council's Housing SPD should be a condition of any approval and is a requirement set out in the recommended conditions.

- 5.10 If the outline application is granted it is recommended that appropriate affordable housing provision is secured by S106 planning obligation.

- 5.11 With regard to the quantum of development, whilst the former allocation was for 20 units on the front portion of the site, as mentioned above this allocation is no longer current policy. The whole site is put forward by the applicant for development and as such must be considered by the Council as a whole against the relevant policies of the Local Plan. It is considered that the

redevelopment of only a portion of the site and the retention of a smaller business on the site, would not be feasible or viable. The Parish has expressed concern with the level of development proposed. Under the former allocation BH8, the allocated land was for up to 20 units which equated to an approximate 30 dwellings per hectare (dph). The application site here is 1.36 hectares. Removing the required open space provision from the calculation and considering a development of up to 32 units would equate to an approximate 26.6 dph. As such it is considered that a development of up to 32 units would be an efficient use of land as encouraged by both national and local policy and a density which is in fact slightly lower than that set out in the former BH8 allocation.

- 5.12 For the reasons set out above it is considered that the site can accommodate a development of up to 32 units.

Impact on heritage, character, appearance and visual amenity

- 5.13 The site is essentially a vacant commercial premises, generally in a poor state of repair. There are no buildings within the site, of architectural merit and which would be worthy of retention as part of the scheme.
- 5.14 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.16 The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.17 Any harm identified must be given great weight in the determination of the application.
- 5.18 The Conservation Area is characterised by mainly residential properties set out in a linear form around the green, which is intersected by the river which runs through the village. Dwellings are mainly stone built. There are a number of listed buildings through the village, with most notably a number of listed buildings to the west of the village associated with Snape Castle.
- 5.19 The site currently contains large industrial scale buildings. The site is considered to currently have a harmful impact upon the setting and character of the Conservation Area. Therefore, it is considered the removal of these

large unsympathetic buildings would be a positive of the scheme and constitute a public benefit. Whilst the design, scale and siting of the proposed residential dwellings is not known at this stage, there is scope within the limitations of the site to accommodate a layout and design which would enhance and preserve the character and setting of the CA. There is some concern about the scale of development in the context of Snape. As noted in representations, 32 units in this location is a significant expansion of the village and notwithstanding the removal of the existing structures the scale of development is considered to result in a harmful impact on the settlement form and as such the significance of the Conservation Area. However, on balance, given the public benefits of the removal of the existing structures and the provision of housing including affordable units, at this outline stage it is considered that based on the information provided the site would be capable of accommodating a development of 32 residential dwellings, subject to further consideration at the appropriate reserved matters stage of layout, siting and design, the harm to the Conservation Area and its setting is considered to be outweighed by the public benefits of the proposals.

Highways Safety, Access and Car parking

- 5.20 The access into the site is narrow, formed between a residential cottage and the Methodist Church. There were issues with the visibility splay at the access, which have now been addressed. North Yorkshire County Council's Highways Officers were consulted on the application and have had protracted discussion with the applicant's highway consultant regarding particularly the provision of adequate visibility splays at the entrance of the site. NYCC Highways are now satisfied with the information and justification provided by the applicant and consider that adequate visibility splays can be provided at the entrance of the site so as not to result in highways safety or operation concerns.
- 5.21 The Highways Officer has concluded that the proposals are satisfactory and recommends a number of conditions and informatives including relating to matters regarding the provision of detailed road and footway layouts; construction of adoptable roads and footways; visibility splays; details of turning, manoeuvring and parking areas and the provision of a construction management plan.
- 5.22 Given the above and considering the application is in outline considering access only, the level of information provided demonstrates that the site can be developed safely and without impacts upon the operation of the highway network for up to 32 units.
- 5.23 The proposal accords with policy IC2 of the Local Plan.

Flooding and drainage

- 5.24 The site was originally shown on the Environment Agency (EA) Flood Maps as within Flood Zones 2 and 3. The applicant and their flood risk consultant has undertaken significant amounts of work under the guidance of the EA, carrying out and submitting hydrological modelling and calculations. The model has been reviewed by a specialist team within the EA and they have approved the model which has resulted in the re-grading of the site as within Flood Zone 1, the area of lowest risk from flooding.

- 5.25 The applicant's agent has provided the following explanation regarding the change from Flood Zone 3 to Flood Zone 1:

"The maps for Flood Zones 1, 2 and 3 are predominantly produced by the Environment Agency and can be seen on their Flood Map for Planning website. When preparing a planning application these maps are used by developers to confirm what proportion of their site is developable, which part should be allowed to flood, and what types of flood mitigation measures should be used. However, in many cases these maps can prove to be inaccurate for detailed planning applications and are in need of refinement.

Specialist consultants use detailed hydraulic modelling techniques to get a more accurate understanding of flood risk on a site. This is plotted onto a plan and provides a more detailed representation of the flood risk on a site. The applicant has undertaken this work for Prices Paving in Snape and this has resulted in an amended flood zone and confirmed to be accurate by the Environment Agencies response."

- 5.26 As the site is within Flood Zone 1 the risk of the site flooding is low. The FRA demonstrates the site can be safely developed without risk from flooding and that suitable flood risk and drainage measures can be designed to accommodate the proposed development.
- 5.27 The LLFA have reviewed the updated information and are satisfied with the detail provided at this stage recommending a number of conditions to ensure an adequate drainage strategy is secured at the detailed design stage. Given that the application is in outline with all matters reserved except for access, for a site which is largely previously developed land in flood zone 1 and as stated above the submitted FRA demonstrates that the site can be safely developed without risk from flooding, it is considered that this information can be secured through appropriately worded planning conditions which request submission of this information at a later stage (pre-commencement of development) once the detailed design is fixed.
- 5.28 Concerns have been raised with regard to the capacity of the sewage network in the area. Yorkshire Water have commented on the application raising no objection to the proposed foul sewer connection stating there is capacity within the network for this development's foul water. Additionally, it is noted that sewage network capacity issues are an operational matter to be dealt with separately from planning legislation and are not permitted to be used to influence decision on the planning application.
- 5.29 The surface water management report submitted sets out that surface water drainage via a combination of infiltration and an existing surface water pipe which crosses the site which is capable of being utilised for the application site's surface water and outfalls into the adjacent watercourse to the south of the site. Discharge into a watercourse is the sequentially most preferable method where infiltration and soakaways have been discounted therefore this method of dealing with surface water is considered acceptable. The Lead Local Flood Authority has agreed this position on the basis of the brown field

run off rate. As such the design of any scheme for Reserved Matters would need to demonstrate how these requirements are to be met.

- 5.30 The applicant has provided sufficient information to demonstrate the proposed methods of dealing with both foul and surface water drainage are both feasible and accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore, subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

Impact on neighbouring amenity

- 5.31 The application is in outline for access only and as such the layout of the proposed development is not yet fixed.
- 5.32 The applicant has submitted an indicative site layout, which while not binding demonstrates that the site is able to accommodate up to 32 dwellings and provide suitable outdoor amenity areas for future residents. It is considered that, subject to assessment of matters reserved for future consideration including layout, scale, appearance and landscaping, the site would be developed maintaining suitable privacy distances and as such without having a detrimental impact upon neighbouring amenity.
- 5.33 The development of this site for housing is considered to be acceptable both in terms of the residential amenity of existing and proposed housing.
- 5.34 Any development will likely result in some disruption and localised amenity impact during the construction process. These impacts would be localised, only last for a short period of time and could be suitably mitigated through the developer adhering to a construction management plan and restriction of working hours during construction. It is considered conditions can secure full details of site operation, wheel cleaning and working hours at the site.
- 5.35 The proposal accords with Policy E2 of the Local Plan.

Ecology

- 5.36 A Preliminary Ecological Assessment (PEA) has been submitted in support of the application which identifies that the site has no particular significance to flora and fauna. The PEA concludes that there is negligible value for roosting bats overall with none of the existing buildings proposed for demolition suitable for roosting bats due to their construction. The site does however provide suitable foraging and commuting habitat for bats particularly to the southern end of the site. The site is also of moderate value to nesting birds to the site boundary particularly within the hedges and trees. The value for nesting birds is not restricted solely to the site but abundant in the surrounding countryside to the south east and west.
- 5.37 The PEA recommends retention of all hedgerows and trees on the site, implementation of a sensitive lighting scheme to avoid indirect disturbance of foraging bats, birds and small mammals. The PEA also recommends landscape planting should comprise native species or species of known wildlife value in order to enhance the ecological value of the site. Removal and replacement of the ornamental cherry laurel hedge to the north of the site and replacement with a native hedge to enhance habitat connectivity within

the site. The incorporation of bird and bat boxes/bricks within new properties or on suitable mature trees to be retained within the site in order to enhance habitat availability post development.

- 5.38 It is considered conditions can secure these details being submitted and approved at the appropriate stage. Subject to the implementation of the above measures the site would benefit from a biodiversity net gain post development in accordance with Policy E3 of the Local Plan.

Land contamination

- 5.39 A Preliminary assessment of land contamination (PALC) and Phase I Site investigation report (Phase I) has been submitted in support of the application. The councils Environmental Health officers dealing with land contamination have assessed the information submitted and commented that there is potential for contamination from previous uses at the site and concurs with the conclusion that a Phase II site investigation and Risk Assessment should be undertaken.

- 5.40 No issues of land contamination have been identified that would preclude the development of this site subject to conditions regarding any remediation requirements. The Environmental Health Officer has raised no concerns about the proposed development in these terms. A suite of conditions are proposed to ensure further investigation and appropriate remediation takes place.

Open space, sport and recreation

- 5.41 Policy IC3 and Appendix E set out the policy context for open space, sport, and recreation within the district. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children's play and for young people.

- 5.42 As the application is in outline with all matters reserved, at this stage the layout of the site and as such layout of the open space is not known. However, it is calculated that under the SPD a provision of 1046.59 sq. m of public amenity space would be required for this scheme including an equipped children's play area.

- 5.43 On the indicative plan an area of open space is shown to the southern end of the site, which is considered adequate at this stage to demonstrate the site can accommodate this quantum of development as well as provide the required open space provision. Full details of the provision and management of the open space can be secured through a section 106 agreement attached to any grant of permission.

- 5.44 Taking all the above into consideration, the proposal therefore is considered able to meet the requirements of Policy IC3 and the Public Open Space SPD.

Other Matters

- 5.45 Hambleton District Council published a Statement of Community Involvement (SCI) document titled 'Getting Involved in Planning Applications'. This encourages developers to undertake pre-application discussions with both the local authority and relevant stakeholders. Page 3 states that the Council will encourage applicants of major development to carry out an appropriate level

of consultation with the community reflecting the nature and scale of the proposed development.

- 5.46 The applicant carried out community engagement through the form of a leaflet campaign carried out August to September 2020. The method of this engagement and findings are set out in the applicants Statement of Community involvement which was submitted with the application.
- 5.47 Whilst it is noted that the Parish Council have raised concern with the extent and level of engagement it is considered that the applicant has fulfilled their requirement with regard to the Localism Act, NPPF and Hambleton Statement of Community Involvement guidance. The level of engagement although to some extent limited was appropriate to the scale of the development. The applicant has stated they have considered the responses received through this engagement exercise within their submission.

Planning Balance

- 5.48 It is considered that the principle of development on this site is acceptable, given the site's location within a service village and the site being occupied by a range of commercial buildings immediately adjacent the built form of the settlement. Any harmful impact of the development on the setting of heritage assets is considered sufficiently off-set by public benefit. The scale of housing proposed and access to the site is considered appropriate.
- 5.49 The proposed quotient of affordable housing meets the requirements of HG3 when taking into consideration the vacant building credit set out in national policy and the Council's Housing SPD and as such is considered to be acceptable.
- 5.50 The Highway Authority has confirmed that the existing road network can accommodate the development and there are no highway safety or operation concerns with the access proposed.
- 5.51 Matters pertaining to site drainage are considered addressed either through the submission or by conditions set out in the recommendation. The proposed development is considered to result in no additional risk in terms of flooding.
- 5.52 On balance the proposed development of this site for housing is considered acceptable and as such recommended for approval.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations planning permission is **GRANTED** subject to:
- (a) The satisfactory completion of a planning obligation to secure (i) 6 affordable dwellings within the development in accordance with the Council's Housing SPD 2022; (ii) appropriate provision and management of on-site open space; and (iii) any outstanding consultations; and
 - (b) The following conditions:

Conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
 - (a) The layout of the site
 - (b) The siting, scale, design and external appearance of each building, including a schedule of external materials to be used;
 - (c) the landscaping of the site.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan as received by Hambleton District Council on 15 September 2020 unless otherwise agreed in writing by the Local Planning Authority.
4. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
5. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority.
6. Prior to the commencement of development, full details of all existing and proposed site levels shall be provided to and approved in writing by the Local Planning Authority. The levels shall be taken from a known datum and shall include all existing and proposed site levels along with finished floor, eaves and ridge levels of all proposed buildings. The development shall then be implemented in accordance with the approved details.
7. 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 Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority.
8. 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 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.

9. 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.

10. 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.

11. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

12. The development hereby approved shall be for no more than 32 dwelling units and shall comply with the size and type requirements of the Council's Housing SPD.

13. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

14. 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.

15. There must be no access or egress by any vehicles between the highway and the application site until splays detailed in drawing number P21047-0114 are provided giving clear visibility of 36m to the West and 38m to the East measured along both channel lines of the major road 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.

16. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the 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.

17. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;

10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. measures to control and monitor construction noise;
13. an undertaking that there must be no burning of materials on site at any time during construction;
14. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
15. details of the measures to be taken for the protection of trees;
16. details of external lighting equipment;
17. details of ditches to be piped during the construction phases;
18. a detailed method statement and programme for the building works; and
19. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

18. Notwithstanding any details approved, the boundary treatments shall include suitable holes (13cm x 13cm) at ground level to allow for movement of hedgehogs. The hedgehog holes thereafter shall be maintained for the intended purpose and shall not be blocked or removed.

19. Prior to any above ground development on the site a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain in accordance with the details submitted within the Preliminary ecological appraisal prepared by Naturally Wild ref SHA-20-03 R1 August 2020.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
4. In the interest of satisfactory and sustainable drainage.
5. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

6. In order that the development is appropriate in terms of the character and amenity of the area and in compliance with policy E1 and E5 of the Local Plan.
7. 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.
8. 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.
9. 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.
10. 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.
11. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies.
12. In order that the Local Planning Authority can control the intensity of the use of the site to ensure that the use does not exceed the capacity of the environment to cope with the demands placed upon it in accordance with the Local Plan policies noted above.
13. 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.
14. 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.
15. In the interests of highway safety.
16. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
17. In the interest of public safety and amenity.
18. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.

19. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.

INFORMATIVES

1. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
1 x 240 litre black wheeled bin for general waste;
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling;
and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977

3. To make the proposals acceptable to the Local Highway Authority an amendment to the existing waiting restriction on Thurston Road is required to extend onto Darlington Road to include the frontage of the development This is governed by legislation outside the planning process and administered by the Local Highway Authority. Consequently, you should not commence your permitted works until details of the Consolidation Order 2013 at Thurston Road, Northallerton have been submitted to the Local Highway Authority. The approved details will be required to undergo the legal process required, including any public consultation -, at the applicant's expense. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost.
4. It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning

submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

5. An explanation of the terms used above is available from the Local Highway Authority.
6. The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf
7. The applicants attention is drawn to the Design out Crime report ref: 417-1-2020 MR, provided by North Yorkshire Police, in particular the applicant is encouraged to incorporate the advice and recommendations into the detailed design of any future reserved matters application.