

Parish: Thirsk
Ward: Thirsk

Committee Date : 24 November 2022
Officer Dealing : Ian Nesbit
Target Date: 1 December 2022
Date of extension of time (if agreed):

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21/02959/FUL

Construction of 43no dwellings, garages, access roads and ancillary services (As Amended - Revised Site Layout and Enclosures Layout Plans received 27.09.2022; Ecological Impact and BNG Assessments received 07.10.2022)

At: Rybeck House, Stoneybrough Lane, Thirsk
For: Ms Samantha Barker

It is appropriate for the proposal to be considered by the planning committee as it is of significant local interest

1.0 Site context and proposal

- 1.1 The 2.31ha site is a redundant farm located to the north of Thirsk, on the eastern side of Stockton Road (A61) The southern part of the site includes several agricultural buildings, whilst the rest of the site comprises of a pasture field. The site is relatively flat and level and the area surrounding the site is similar. The northern boundary of the site is bounded by the watercourse of Whitelass Beck, the banks of which are lined by trees. The western site boundary also contains lines of trees and a hedgerow that help to partially screen the site from vantage points from Stockton Road. The southern site boundary is adjacent to Stoneybrough Lane which provides access to the farm buildings within the southern part of the site as well as Stoneybrough Farm further to the west.
- 1.2 The site adjoins the northern and eastern boundaries of the Rybeck House and to the southern, western and eastern boundaries of Brookdene which is a residential property within the land-edged-blue. Whitelass House (also in the land-edged-blue) is sited to the north of the site on the opposite side of the beck which is an uninhabited property in a very poor state of repair with access close to the Stoneybrough Lane/A61 junction. A new access across the beck to Whitelass House is also proposed.
- 1.3 The northern part of the site (located adjacent to the southern bank of the beck) is located within Flood Zones 2 and 3 of the EA's flood maps. The site is also within the MOD's airfield safeguarding zone for the RAF airfields of Topcliffe and Leeming, and within the SSSI Impact Risk Zone. Although not located within the application site, a sycamore tree located adjacent to the junction of Stoneybrough Lane and Stockton Road is subject to a Tree Preservation Order (TPO ref. 2001/13) A public footpath runs along the northern bank of Whitelass Beck north of the application site, while Stoneybrough Lane running parallel with the southern site boundary is a public bridleway. There is a 225mm sewer running south-north through the site, with a 6m easement shown on the proposed site layout.

- 1.4 The application seeks full planning permission for 43 dwellings with garages, access roads and ancillary services. A new access is proposed to serve the development onto the A61. The proposals include a mixture of different house types (detached, semi-detached and terrace) and scales (single storey, 2 storey and 2.5 storey) The residential bungalow of Brookdene is included within the north-west of the application site and is proposed to be demolished and replaced as part of the proposals.
- 1.5 A diversion of the public right of way is proposed with a route running from the western boundary with Stockton Road, through the site, joining up with the existing route of the public footpath on the opposite side of the beck (to the north of the site). Part of the route of the diverted PROW would run parallel with the southern boundary of the beck in the northern part of the site through an area designated as a green wildlife corridor. A cyclelink between the proposed development and Stoneybridge Lane is proposed.
- 1.6 The proposed site layout plan shows the creation of a 'green frontage' landscape buffer along the western site boundary adjoining Stockton Road. Buffer planting is also proposed along the southern part of the western site boundary, while the northern part of the western boundary would have new native species hedgerow and tree planting. The main estate road within the site would be tree lined and would incorporate a 3m shared footway/cycleway. Two areas of public open space would be created: one 660m² area within the west of the site and another 1550m² site (with LAP) within the north-eastern part of the site.
- 1.7 The site is not an allocated site within the Local Plan, although it was a housing allocation (TH3) within the previous LDF.
- 1.8 The submitted application included the following assessments/surveys:
- Tree Survey (dated March 2020)
 - Archaeology & Heritage Assessment
 - Archaeological Geophysical Survey (dated March 2020)
 - Note on Access and Transport Issues (dated November 2021)
 - Phase I Geo-Environmental Appraisal (dated May 2020)
 - Preliminary Assessment of Land Contamination (PALC)
- 1.9 The following amended and additional plans, assessments and statements have subsequently been submitted since the validation of the application:
- Ecological Impact Assessment (dated October 2022)
 - BNG Assessment
 - Amended Site Layout Plan - Rev.I
 - Amended Enclosures Plan - Rev.F
 - House Mix, Housing Types and Tenures Details
 - Response to the Case Officer's email 31.05.2022.
 - Revised Flood Risk and Drainage Assessment (Rev.B) and Appendices (dated April 2022)

2.0 Relevant planning history

- 2.1 None relevant to the consideration of this application.

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S2: Strategic Development Needs
Local Plan Policy S3: Spatial Distribution
Local Plan Policy S5: Development in the Countryside
Local Plan Policy HG2: Delivering the Right Types of Homes
Local Plan Policy HG3: Affordable Housing Requirements
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E4: Green Infrastructure
Local Plan Policy 56: Nationally Protected Landscapes
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 RM 1: Water Quality and Supply
Local Plan Policy RM 2: Flood Risk
Local Plan Policy RM 3: Surface Water and Drainage Management
Local Plan Policy RM 5: Ground Contamination and Groundwater Pollution
Housing SPD
National Planning Policy Framework
National Planning Practice Guidance

4.0 Observations

A 10 day reconsultation has been undertaken on the additional and amended plans and documents listed in paragraph 1.8 above. Members will be informed of all additional responses (and any additional Officer comments/recommendations) in the Update List.

- 4.1 Thirsk Town Council – Have confirmed that the Town Council do not support the application and recommend that it is refused as the site is not included (as an allocation) within the Local Plan.
- 4.2 RAF Safeguarding – No response received.
- 4.3 British Horse Society (BHS) – No response received.
- 4.4 Environment Agency (EA) – No objection, providing the proposed development is all built within Flood Zone 1 in accordance with the submitted FRA, and subject to a condition preventing the raising of ground levels within Flood Zone 3, in order to ensue that there is no loss of flood storage and no displacement of flood waters.

4.5 Swale and Ure Internal Drainage Board (IDB) - Having been consulted on the application (as submitted), the IDB made the following comments/observations (as summarised):

- The IDB confirmed that the proposed development lies within the Swale and Ure drainage board district, and any proposed structure/asset within 9m of the watercourse requires IDB consent. Have asked how far the proposed footpath would be from the watercourse and have confirmed that their consent would be required for any water headwall structure and associated pipework.
- Any discharge to the watercourse requires the IDB's consent, and there is a requirement to restrict the discharge flowrate to 1.4 l/s/ha (to mimic the greenfield scenario)
- Have requested confirmation on how ground and surface water will be managed on site during construction.

Having been consulted on the revised drainage details and having been specifically asked (on behalf of the applicant) whether the IDB would accept a higher discharge rate of 10.1 l/s, they have confirmed that whilst they would accept the 3.5 l/s discharge rate into the Board's catchment area (as per the submitted drainage details), they would not be willing to accept the 10.1 l/s discharge rate. They have also clarified that the Board would be opposed to any development within 9m of the watercourse, and that the Board's consent would not normally be given for proposed development that interferes with or inhibits the Board's ability to carry out its statutory functions.

4.6 Lead Local Flood Authority (LLFA) – Having been consulted on the application (as submitted), the LLFA made the following comments/observations having particular regard to the Design and Access Statement and Flood Risk and Drainage Assessment (as summarised):

- Identify that although the majority of the site is in Flood Zone 1, an area of the site on the northern boundary is in Flood Zone 2. A sequential approach should be undertaken, however development on sites in Flood Zones 2 and 3 should include appropriate mitigation measures...it should also be demonstrated that the development does not increase on and off-site flood risk.
- The LLFA consider the site to be greenfield land for the purposes of run-off rates.
- Note that infiltration (for the disposal of surface water) has been discounted due to the shallow water table and ground conditions, and that discharge to Whitelass Beck is proposed, with a pumped solution being considered in the preliminary design. Consent is required from the Swale and Ure IDB to discharge of the beck...it should be ensured that the capacity and condition of the receiving watercourse is suitable of the disposal of the surface water.
- Note that a discharge rate of 3.5 l/s is proposed. Recommend that the IDB approval is sought for the proposed discharge rate.
- The proposed SuDS attenuation features should be able to provide the 1 in 100 year design flood event plus with an allowance for climate change (30%) and for urban creep (10%) and this should be incorporated within the detailed drainage design. The calculations submitted are based in pipe diameters of 1350mm laid within the adoptable highway. This would not be acceptable to NYCC (who don't accept pipes greater than 900mm diameter), while the drainage system is shown to pass underneath an existing sewer.

- LLFA have noted that it has proven difficult to identify the proposed system and associated calculations in the hydraulic model and the drainage design drawings, stating that the drainage system should be clearly marked on the drawings to enable cross referencing in the hydraulic calculations.
- Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems.
- An updated exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system.
- Temporary flood risk measures during the construction phase should be submitted to the Local Planning Authority to mitigate the impact of flooding during the construction of the site.
- Arrangements for the maintenance of the proposed SuDS surface water runoff attenuation features should be submitted to the LPA for approval.
- Based on the above comments, the LLFA recommended that additional information is submitted including an exceedance flow plan; an updated hydraulic model (with references to a schematic layout plan) and details/plan making it clear where any oversized pipes are to be located within/under the adopted highway.

Having considered the revised Flood Risk and Drainage Assessment and Drainage Report Appendices submitted by the agent in May, 2022, the LLFA made the following additional comments/observations:

- The proposed (surface water) discharge rate of 3.5 l/s as stated within the drainage documents is considered by the LLFA as being acceptable.
- The micro drainage calculations still don't appear to have applied the aforementioned 10 per cent urban creep allowance.
- The strategic drainage layout drawing shows oversized pipes within the adoptable highway. The LLFA reiterate that NYCC will not accept such pipes within the adopted highway.
- The exceedance flood routing plan submitted gives no indication of proposed ground levels or finished floor levels of properties.
- Based on these additional comments, the LLFA recommend that further information is submitted including an updated exceedance flow plan; the application of a 10 per cent allowance for urban creep; and an updated and clear hydraulic model with reference to a schematic layout plan.
- If oversized pipes are to be used within the development, any oversized pipes which are located within/under the adopted highway should be made clear to the relevant statutory undertaker and the Local Highway Authority. This is to ensure that both parties are happy to accept them.

4.7 Yorkshire Wildlife Trust (YWT) – Having considered the application as submitted, with particular reference to the submitted Ecological Impact Assessment (EIA), the YWT have made the following comments (as summarised):

- The Ec.I.A identifies the further protected species surveys which must be undertaken prior to determination. As the LPA has a statutory duty to consider impacts on protected species prior to the determination of the application, these surveys should be provided upfront.

- The proposal should minimise the impacts on biodiversity and show biodiversity net gain (BNG) in accordance with the NPPF and the Environment Act. The YWT would wish to therefore see the use of a biodiversity metric to demonstrate the achievement of BNG.
- They note that the Landscape Masterplan proposes tree planting of non-native or ornamental varieties which to the benefit of biodiversity and future specimen resilience/maintenance they recommend are replaced with native alternatives.
- They have also noted that proposals would involve the lighting of the watercourse corridor has been identified as a potential impact. A sensitive lighting scheme must be provided that indicates how dark corridors are to be retained around the site.
- Details/evidence should be provided showing how the recommendations within the EIA would be incorporated within the proposed scheme.
- The YWT support the provision of a buffer zone along the watercourse, however they don't consider it appropriate for a surfaced PROW to form part of this buffer which would bisect the habitat. Ideally, this buffer zone should be free from disturbance. The width of the buffer zone should be increased if a PROW is to be accommodated.
- The YWT consider it essential that the mitigation hierarchy is followed and evidenced with regard to impacts on protected species and habitats.
- Based on the above comments, the YWT recommend that there has been insufficient ecological information submitted with the application (as originally submitted) to be able to determine the ecological impacts and any biodiversity gains of the proposed development.

4.8 NYCC Local Highway Authority (LHA) – The LHA have provided an initial response (although not a formal recommendation as yet) to the application as submitted, raising the following issues/concerns:

- The landscaping plan details trees abutting the carriageway which are likely to obscure visibility at internal junctions and some private accesses. NYCC design guide details that any tree shall be planted a minimum of 2.5m away from the carriageway edge and 1.50m away from the edge of a footway. Our bridges team have also raised concerns with the planting shown in close proximity to the Bridge on the A61 Stockton Road, please can this be removed.
- The Footway on Stockton road is shown behind a grass verge, currently the footway abuts the carriageway, can you confirm whether it is the applicants intention to alter the layout of this footway or whether this is a drawing error?
- Please could you provide swept path analysis the turning head and road serving plots 4-27 demonstrating a refuse vehicle can manoeuvre comfortably.
- NYCC design guide states that a shared surface shall only be used serving up to 25 dwellings as a cul-de-sac. Please could the applicant's agent alter the design to include the provision of footways, this would also secure visibility issues on many of the private accesses and also improve forward visibility on bends serving plots 4 – 27.
- It appears it is the intention to provide a shared surface on the northern cul-de-sac of the site, whilst this concept is accepted, the design will need to conform with NYCC specification and therefore a minimum carriageway width of 4.80m is required with 2.0m service strips on either side of the carriageway.

- 25 and 26 plots – accesses look awkward and would be better for the plots to adjoin perpendicular to the highway.
- Suitable visibility plays to be provided on every private access hence the reason for 2m footways/service margins.
- Please can you confirm the applicant's intention of the truncated section of road to the eastern boundary of the site which details 'views through development' is required. There is currently a 50 dwelling limit off a single access and therefore, if there is a further plan to develop the site to the east of this proposal, a second access point may be necessary considered or an emergency link provided. Alternatively a 6.50m spine road would be required to ensure a 3.25m running lane can be maintained should the road become blocked or affected by future utility works etc.

4.9 NYCC PROW Team – Confirm that there are Public Rights of Way either within or adjoining the application site boundary. Have recommended an informative (should planning permission be granted) detailing how the PROW should be kept clear of obstruction and the processes required to be followed to divert or temporarily close the PROW as a result of the development.

4.10 Environmental Health - The service has considered the potential impact on amenity and likelihood of the development to cause a nuisance, and have recommended the following conditions should planning permission be approved:

The submission and approval of a construction Management Environmental Plan (CEMP) to mitigate the effects of noise, vibration, dust, emissions and site lighting to include: construction site procedures and the following operation hours (for operations that are audible at the site boundaries):

- 08:00 hours to 18:00 hours, Monday-Friday
- 08:00 to 13:00 hours, Saturdays
- No operations/activities on Sunday or Bank Holidays
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

4.11 Environmental Health (Contaminated Land) - Having considered the application, particularly the submitted Preliminary Assessment of Land Contamination (PALC), the applicant should submit a report detailing the findings and recommendations of an intrusive Phase 2 site investigation and risk assessment. Ideally, this should be submitted prior to the determination of the application, however if Officers/Members are minded to approve the application before such a submission, then the following conditions (as summarised) have been recommended:

- No development shall be commenced until a Phase 2 assessment has been submitted and approved by the LPA.
- Prior to the commencement of the development, a detailed remediation scheme must be prepared and approved in writing by the LPA.
- Prior to first occupation, 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 LPA.
- Any unexpected contamination found during carrying out the development, must be reported immediately to the LPA, and an investigation and risk assessment and remediation scheme (where necessary) prepared and agreed in writing by

the LPA. Once the measures within the agreed remediation scheme has been compelled, a verification report should be prepared and approved in writing by the LPA.

4.12 Designing Out Crime Officer (DOCO) – A Designing Out Crime Report has been submitted by the DOCO. While the reports concludes overall that the design and layout of the proposed scheme is considered to be acceptable, it nevertheless makes the following observations/recommendations (as summarised below) in order to provide residents with a safe and secure environment by reducing the opportunities for crime and anti-social behaviour:

- Recommends that that a 1.8m high lockable gate be placed at the entrance to the footpath for plot 38 to mitigate burglary risk to the rear of the terrace properties.
- Recommends that Secured by Design (SBD) accreditation be considered, or at least utilising doors and windows to relevant SBD standards
- An external lighting scheme is recommended that complies with British Standard 5489-1:2020 and looks to light all roads, footpaths and any elevations of dwellings with exterior door(s)
- It is noted that the boundary protection for the rear gardens is proposed to be 1.8m high fencing, walls and gates, which is considered to be appropriate, although it is recommended that the rear garden boundaries for plots 4 to 11 that abut to Stoneybrough Lane are reinforced with thorny hedging to prevent intruders from getting into these rear gardens from the lane.
- A proposed privacy buffer zone is noted behind plots 11-18, although unmanaged gaps (used as privacy buffers) should be avoided by providing for interlocking back gardens.
- Securing the site (during construction) with CCTV, on site security, obscured perimeter fencing and vetting of staff should be considered.
- The development should be designed and laid out to be 'tenure blind', i.e. tenure should not be identifiable by house type or location within the site
- The design and layout has active frontages, the provision of back-to-back gardens (where possible) and corner plot buildings that 'turn the corner; thus providing natural surveillance of the public realm and strengthening resilience in respect to crime and disorder.
- The proposed vehicular access onto the site and movement within it are suitable as it would keep permeability at an appropriate level.
- The proposed PROW diversion is be provided with good levels of natural surveillance.
- The proposed parking provision would comply with best practice by either providing a garage, in curtilage parking, or on street parking in front of the dwelling it serves, whilst avoiding the use of rear parking courts.
- The POS would be provided with good levels of natural surveillance from nearby dwellings.
- The proposals provide for a clear demarcation of private, semi-private and public space that creates defensible space.

4.13 Natural England – Natural England have confirmed that they have no comments to make on the application.

4.14 Campaign for the Protection of Rural England (CPRENEY) – CPRENEY's comments are summarised as follows:

- The site is not an allocation within the new Local Plan..To defer away from the settlement hierarchy at such an early stage in the plan period would cause a dangerous precedent. Furthermore, the residential development of this site is not supported by either the rural exceptions (HG4) or windfall (HG5) housing policies of the Local Plan.
- The applicant has not demonstrated an appropriate Biodiversity Net Gain as required by the Environment Act.

4.15 Yorkshire Water Services (YWS) – YWS confirm that the Statutory Sewer Map shows that there is a 225mm diameter public sewer recorded as crossing through the application site, and clarify that no buildings, or other obstructions should be erected within 3m of the public sewer, nor any trees planted within 5m. As the proposed landscape masterplan (rev.B) multiple new tree and shrub planting directly over, or within 5 metres of the aforementioned public sewer, YWS are objecting to the proposals as submitted as the proposals could seriously jeopardise YWS’s ability to maintain the public sewerage network.

They advise the proposed layout is amended to allow for adequate protection of the public sewerage system.

4.16 Street Name and Numbering – An application would be required.

4.17 HDC Housing Services Team – Housing Services have provided the following comments relevant to the consideration of the proposed development in respect of the housing policies of the Local Plan:

- The proposed housing provides a good mix of property types to meet evidenced needs.
- The proposed affordable homes tenure mix of nine rented and four shared ownership homes is appropriate.
- The proposed affordable homes are suitably pepper-potted throughout the scheme.
- All the proposed homes meet the Nationally Described Space Standards.

4.18 NYCC Archaeological Services – Although the site is identified as being within an area of archaeological interest, the submitted archaeological desk-based assessment and geophysical survey have demonstrated a low potential (for impact on archaeological remains) and therefore NYCC’s Principal Archaeologist has identified no archaeological constraint relating to the proposed development.

4.19 NYCC Education Services – Have confirmed that no developer contributions are required towards schools and school places.

4.20 Public Comments – Representations (12 in total) have been received objecting to the application as summarised below:

- Scale and siting - no objection to the site on which at present there are derelict farm buildings being used for residential development, but strong objections to the land adjoining the Whitelass Beck being used...the scheme as a whole is too ambitious, and attempts to crowd far too many dwellings on the site....at a time of climate and ecological emergencies, building on greenfield site should not be permitted...there are too many houses for the roads, schools and other

local infrastructure to accommodate anymore....the high number of houses means Thirsk is losing its small community spirit...

- Biodiversity – the development will have a detrimental impact upon the local fauna and flora...there is a significant amount of wildlife dependent on the site...as the site is in an area bordering the own centre, the loss will be more seriously felt...the recommendations for mitigation (within the Ec.I.A.) are not fit for purpose...Whitlass Beck is recognised as offering most ecological value within the site and the importance of not disrupting or altering the ecological systems made clear, however the application includes proposals to cut back vegetation and re-route the PROW thus damaging the most important ecological feature within the site, and the presence of human activity (including the re-routed PROW) will disturb wildlife in this area.... The riparian buffer along the watercourse should be protected, and opportunities to enhance it taken. the area/site attract wildlife which will be lost and affected forever of the development were to proceed the Ecological Impact Assessment makes many detailed comments which need particular attention.
- Landscape/townscape character - the loss of the site for residential development would rob Thirsk of its rural identity...approving the development will set a precedent for the development of further greenfield land.
- Flooding - although the application is not part of a recognised flood plain, the development of the site would reduce the amount of area for any flood waters to advance into; this has been disregarded (in the submitted planning documents)
- Surface Water Drainage and Drainage Capacities – object to the proposal to direct surface water to Whitlass Beck due to potential pollution issues, lack of capacity within the beck during heavy rainfall and increasing the risk of flooding in lower-lying areas the development of the site would lead to greater run-off and the development as a whole, would place additional pressure on an already inadequate drainage infrastructure.
- Climate Change - consistent with reducing carbon emissions it should be expected that all proposed developments would incorporate architectural innovations and best practices with regard to building material choices, energy consumption and water use in keeping with Hambleton District Councils commitment to net zero by 2034....the application lacks detail in this regard and provides no details regarding climate change mitigation (e.g. materials; energy efficiency/consumption; water use; wildlife and traffic)
- Landscaping - hard landscaping should be limited, permeable surfaces considered and the enhancement of green infrastructure.
- Highway/traffic impacts – vehicles tend to exceed the 30mph speed limit along Stockton Road which can have the effect of increasing noise and disturbance for local residents. The proposals would exacerbate this issue. Traffic noise and air pollution from vehicle emissions has an impact on health. Traffic calming measures should be introduced on Stockton Road if the development proceeds...objection to the new access road/junction to join the A61 because it is too near the Stoneybrough Lane junction and at a point close to the beginning of the 30mile speed limit, which is widely ignored, thus making this proposal a traffic hazard... the new access/junction would also involve the felling of trees along the roadside.
- Connectivity, permeability and public transport - in practice, the only public transport close by is one bus stop, with buses to Northallerton every two hours. To reach the train station (2 miles away) you need to cycle, walk (42 minutes) or drive. The bus services are infrequent, and not at main commuting times. The first bus from Thirsk Market Place to Thirsk Station departs at 10:37. The very

likely scenario is that people would drive to either Thirsk station or Northallerton station.

- During construction: amenity and accessibility– no wish to live next door to a building site there will be problems gains access to Stoneybrough Farm during construction during the demolition phase there will be problems with vermin which may relocate to other nearby land and buildings.
- Amenity and existing land uses – the development would increase the amount of social activity in the locale as well as increases in noise and pollution which is not conducive to animal welfare and the rural way of life...the development of the site will restrict the access to farming activities, with health and safety being a major concern.
- Housing Supply and Housing Mix – housing development on unallocated sites on Market Town 'edge of settlement' locations is not supported by the Local Plan and would help to result in an oversupply of housing the proposed scale and housing mix is questionable

Representations (four in total) have been received in support of the application as summarised below. In addition on petition containing 14 signatories in support of the application has been submitted to the Council.

- Townscape and settlement character – the development will enhance the approach to Thirsk when travelling down Stockton Road...the development will to add to the impression that Thirsk is a vibrant town with good employment prospects and would help to balance up the recent developments at Sowerby Gateway and Station Road currently the site is an eyesore and the development will make the site and surrounding area look nice the existing buildings are not only an eyesore but attract ant-social behaviour and are likely to contain asbestos the site needs to be developed and would be a positive.
- Housing provision/affordable housing – the development will help first time buyers to secure a house in the area.

5.0 Analysis

5.1 The main planning issues relevant to the consideration of this application are as follows:

- (a) Principle of housing development
- (b) Affordable housing and housing mix
- (c) Adaptability of dwellings
- (d) Design and impact on the character of the settlement and landscape
- (e) Designing out crime
- (f) Amenity
- (g) Public open space provision
- (h) Highway Safety
- (i) Permeability, connectivity and impact on the PROW network
- (j) Landscaping, impact on trees and green infrastructure
- (k) Impact on infrastructure
- (l) Impact on heritage assets and their setting(s), including archaeology
- (m) Flood risk and surface water drainage
- (n) Foul drainage
- (o) Land and water pollution/contamination (including Impacts on aquifers/source protection zones)
- (p) Ecology and biodiversity net gain

- (q) Climate change and carbon savings
- (r) Other issues

Principle of housing development

- 5.2 The Hambleton Local Plan includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036) Policy S2: Strategic Development states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area, and a minimum of 55 affordable units as part of the overall housing target.
- 5.3 Policy S2 confirms that the housing strategy (including the aforementioned housing targets) will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. Sufficient allocated sites within the Local Plan will meet the aforementioned overall net housing requirement and to provide additional spatial distribution flexibility and to address other housing needs. Policy HG1: Housing Delivery sets out the specific site allocations.
- 5.4 Although the application site was previously a housing site allocation (TH3) within the Council's Local Development Framework (LDF), the site is not wholly or in part an allocated site within the Council's Local Plan which superseded the LDF when it was adopted in February 2022. The site was removed from the housing supply as it was considered at that time that there was no prospect of it coming forward. As such, the site's previous designation as an allocated housing site carries no material weight when determining the application in accordance with the policies of the current Development Plan (i.e. the Local Plan).
- 5.5 Policy HG5 (Windfall Housing Development) supports so-called 'windfall' housing development on unallocated sites within specific defined villages within the settlement hierarchy of Policy S3. However, as the application site is located on the edge of Thirsk (a defined Market Town within the aforementioned settlement hierarchy) it is not applicable to consider the application as a windfall site in relation to Policy HG5. While part of the proposals is to demolish and replace the existing bungalow of Brookdene located within the application site, policies HG5 and S5 are not considered to be applicable as they relate to development consisting of a 'one-for-one' replacement, whereas the proposed development would also consist of another 42 units above the proposed replacement dwelling.
- 5.6 While the agent has submitted a detailed statement detailing the history of the site, its previous LDF allocation status and the Local Plan examination process, ultimately the application site was not carried forward as a site allocation within the current Hambleton Local Plan and thus no material weight can be given to the circumstances and previous allocation status of the application site. As a non-allocated site on the edge of the main built form of the Market Town of Thirsk, there is no policy support within the strategic and housing policies of the Hambleton Local Plan for the residential development proposed on the application site.

- 5.7 Granting planning permission for a major residential development would substantially risk undermining the recently adopted Local Plan’s strategic spatial approach for new housing across the District within the Plan Period as set out within the strategic policies of the Local Plan which has sought to support new residential development within allocated site and non allocated sites within the existing built form of designated Market Towns such as Thirsk, but, on the contrary, is not supportive of residential development outside or adjacent to the town’s built form (unless for an agricultural worker or other rural housing supported by other policies of the Local Plan) as major additional major residential developments in such locations are unaccounted for within the policies and expectations of the Local Plan and would unsustainably and unexpectedly add significant additional burden on the services, facilities and infrastructure of the town and its surroundings.
- 5.8 Granting planning permission for major residential development on this site would therefore be unsustainable, contrary to the policies and expectations of the Hambleton Local Plan and the NPPF.

Affordable housing provision and housing mix

- 5.9 Policy HG3 (Affordable Housing Requirements) requires all developments involving new market housing to make provision for 30 per cent affordable housing (subject to viability) for proposals with 10 or more units. The scheme proposes the provision of 13 on-site affordable units, equating to 30.23% affordable housing provision for the scheme which would meet the requirements of Policy HG3 in relation to affordable housing provision. In accordance with Policy HG3, the affordable housing should provide a mixture of tenures: one third each of (i) affordable rented; (ii) social rented; and (iii) intermediate dwellings) This affordable mix, along with the 30 per cent affordable housing, should be secured via a Section 106 agreement should planning permission be granted.
- 5.10 Policy HG2 (Delivering the Right Type of Homes) requires proposals to achieve an appropriate mix of dwellings in terms of size, type and tenure. Housing development will be supported where it achieves a range of house types and sizes to reflect and responds to the existing and future needs of the district’s households as identified within the SHMA, having regard to local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Housing SPD provides further detail regarding the market and affordable housing mix expected. The proposed development would provide the following affordable and market housing mixes (in terms of numbers of bedrooms):

	Open Market (%)	Affordable (%)
1 Bed	7%	23%
2 Beds	40%	55%
3 Beds	40%	15%
4 Beds	13%	7%

- 5.11 The proposed housing mix is considered to be in general conformity with the expectations of Policy HG2 and the Housing SPD in terms of providing a substantial proportion of units of 1, 2 and 3 bedrooms as well as a proportion of bungalows (7 units in total) The proposals are therefore considered to comply with the requirements and expectations of Policy HG2 and the Housing SPD in this regard.

Adaptability of dwellings

- 5.12 In order to help achieve the Council's aim of creating sustainable and inclusive communities, Policy HG2 (Delivering the Right Types of Homes) states that the Council will (criterion a) seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty. In addition, criterion f. of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where all homes meet the National Described Space Standards (NDSS). Having considered the proposed floorplans and layout plan, the proposed development is considered to comply with the relevant aforementioned requirements of Policy HG2 of the Local Plan.

Design and Impact on the Character of the Settlement and Landscape

- 5.13 Policy E1 states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 5.14 The application site includes a building group of disused agricultural buildings and associated infrastructure. These buildings have not been used for several decades and the disused site and buildings have become unsightly and subject to anti-social behaviour. Therefore, although the agricultural character of the site is part of the 'rural transition' between the main built confines of north Thirsk and the countryside to the north and east, this is outweighed by the current unkempt and disused appearance, which as mentioned by a number of local residents, as become an 'eyesore' on the edge of the settlement. As such, redeveloping the site for residential use bringing it back into use.
- 5.15 The proposed layout shows an attractive mix of different house types interspersed within the development. The proposed dwellings would be of brick construction with a tile roof. In accordance with the NPPF, the main access road would be tree lined. If planning permission is approved, it is recommended that samples of the external materials are required by condition, however the form and materials of the proposed dwellings are broadly reflective of the character and appearance of properties within the north of Thirsk.
- 5.16 Overall it is considered that the design of the development and the impact on the character of the settlement is acceptable and in accordance with Policy E1 of the Hambleton Local Plan.

Designing out crime

- 5.17 Policy E1 (Design) of the Local Plan states that a proposal will be supported where it incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design (criterion d.)

- 5.18 The Designing Out Crime Officer has provided a detailed report including a range of recommendations to prevent and reduce the risk of crime and the fear of crime. If planning permission is granted, then it is recommended that a condition is imposed required a designing out crime statement to be submitted that demonstrates how the DOCO's recommendations have been considered, and where feasible, will be implemented within the development.

Amenity

- 5.19 Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.20 The proposed dwellings are reasonably well-spaced within the site with each dwelling having a reasonable amount of private outside amenity. Separation distances between the proposed dwellings and in relation to off-site dwellings are considered to be appropriate. Due to the layout of the scheme and the location of the existing dwellings adjoining the application site (i.e. Brookdene and Rybeck House), there would be no significant and unacceptable overbearing, loss of light/overshadowing issues with regards to properties within and outside of the development.
- 5.21 Overall, it is considered that the development will provide a good level of amenity for future occupiers with minimal impact on the amenity of the existing neighbouring properties in accordance with Policy E2 of the Hambleton Local Plan.

Public open space provision

- 5.22 Appendix E of the Local Plan sets out the Council's requirements for public open space provision. Developments of 10 or more dwellings are required to provide an onsite local area of play (not equipped). The proposed layout plan shows an area of designated public open space (POS) of 1,550 square metres (including a LAP) within the north-eastern corner of the proposed development as well as a smaller, separate 608 square metres area of POS between the access road and Brookdene. Although the precise details of the play equipment, layout and planting for the POS would need to be agreed (via planning condition if planning permission is approved), the amount and locations of the POS is considered to be acceptable and in accordance with relevant Local Plan policy. The provision (including timetable) of the POS and its management and maintenance would need to be secured via a Section 106 agreement should planning permission be granted.

Highway safety

- 5.23 Local Plan policies IC1 and IC2 seek to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 5.24 The proposed development would create a new access/junction onto the A61 approximately 60m to the north of the existing Stoneybrough Lane/A61 junction. The junction would have visibility splays of 2.4 metres by 43.0 metres (in accordance with Manual for Streets/Manual for Streets 2 advice for roads subject to a 30mph speed limit) The access arrangements also include the provision of a new

access off the main access road set back 12m from the junction with the A61 and would serve the residential properties of Whitelass House and Brookdene, allowing the existing Whitelass House/Brookdene access onto Stoneybrough Lane/A61 junction. The new position this access is considered to result in an improvement in highway safety given its new distance back from the Stoneybrough Lane/A61 junction.

5.25 A 'Note on Access and Transport Issues' document (dated November 2021) has been submitted with the application. The note concludes the proposed would typically generate 27 vehicle movements during the morning and evening peak hours. This equates on average to one vehicle movement every two to three minutes, which it is concluded would not have a significant impact on the local and national road networks. The amended site layout plan shows the provision of 104 parking spaces (including garaging and three visitor spaces) This level of provision would be in accordance with the Highway Authority's minimum parking standards and considered to be acceptable.

5.26 The LHA responded to the application as submitted raising several design and landscaping issues (see para.4.8 above) The agent has sought to address the stated concerns through the submission of additional and amended information, i.e. amended site layout and enclosures plans. The LHA have been reconsulted on the application but their formal recommendation is awaited. However, given the nature of the highway concerns/queries expressed and taking into consideration that the amended layout plan would appear to have addressed some of the concerns, it is considered that a positive LHA recommendation is likely and that the impact on the highway network and highway safety is unlikely to be considered to be severe, although if the subsequent Local Highway Authority recommendation is for refusal, then this is likely to form a reason for refusal of the as amended planning application. Members will however be informed of any subsequent LHA recommendation and any updated Officer recommendation within the update list.

Permeability, connectivity and impact on the PROW network

5.27 A diversion of the public right of way is proposed. This would involve a diverted route running from the western boundary with the A61, through the site (including the proposed Green Wildlife Corridor in the north of the site) , eventually re-joining to the existing route of the public footpath on the opposite side of Whitelass Beck (to the north of the site) This would provide for a shorter/closer connectivity between the PROW routes on the west and east sides of the A61 than currently exists, and would involve a proposed crossing point (involving a new dropped kerb crossing facility) to the north of the new road junction onto the A61. In addition, a cyclelink between the proposed development and Stoneybrough Lane (a public bridleway) is proposed. There are also footpaths shown within the proposed development as shown on the amended site layout plan which would link to the public footway along the eastern side of the A61 via Stoneybrough Lane. This would allow safe pedestrian connectivity with both Thirsk to the south and South Kilvington to the north, and their respective services, facilities and bus stops. A Footpath Diversion Order would be required to be submitted in order to formally alter the route of the PROW which would be subject to separate consultation and approval. The British Horse Society have been consulted on the application, but have not provided a response, while the Ramblers and Local Access Forum (LAF) have been subsequently consulted on the application and their response is awaited. Members

will however be informed of any subsequent Ramblers, LAF and LHA recommendations and any updated Officer recommendation (based on the representations) within the update list, although the proposals would provide for reasonably good connectivity and permeability with non-car modes of access to existing services, facilities and/or bus stops within South Kilvington and Thirsk.

Landscaping, impact on trees and green infrastructure

- 5.28 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the district, supporting proposals where (amongst other things) they: (a) take into consideration the degree of openness and the special characteristics of Hambleton's landscapes; (b) conserves, and where possible, enhances any natural or historic landscape features that contribute to the character of the local area; (d) takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development; and (e) protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity. In terms of townscape, Policy E7 also states that the distinctive character and townscapes of the district's settlements will be protected and enhanced by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure, secure improvements to its safety and accessibility and secure net gains to green infrastructure.
- 5.29 The application is within and adjacent to an area designated within the Local Plan as a Green Infrastructure Corridor. The application site includes a relatively large number of trees adjacent, or close to, the western, northern and eastern site boundaries. The trees along the northern site boundary are sited along the southern bank of the watercourse. A Tree Survey (dated March 2020) has been submitted with the application that has assessed the quality of the trees within and adjacent to the site. It has assessed the trees within five groupings (labelled G1-G6 on the accompanying plan) The five of the six tree groupings were classified as C2 (low quality trees without any significant landscape value or landscape benefits) and one group (G4) has been classified as 'U' (in a condition that cannot realistically be retained) Therefore, none of the tree groupings were assessed as being moderate or high quality.
- 5.30 The survey assessed the western boundary hawthorn hedgerow as 'gappy but reclaimable'. Retained hedgerows are recommended to be layered and gaps filled with replacement planting. The survey also recommends that for the trees proposed to be retained, remedial pruning works should be undertaken to 'maximise potential' including cutting of ivy. G1 is a linear group of ash trees along the western boundary of the site adjacent to the A61 (Stockton Road), while G3 is a small line of Lawson Cypress also along the western boundary close to the Stoneybrough Lane junction with the A61. While it is accepted that the assessed quality of the trees within these two groups is low and that the ash trees may become susceptible to ash dieback in time, they nevertheless are part of a larger avenue of trees and hedgerows along the eastern side of the A61 which, along with trees and hedgerows on the western side of the road, provides an attractive and larger unbroken treeline along the A61 between the northern settlement edge of Thirsk and South Kilvington to the north. The survey suggests that the removal of the boundary trees and replanting would not be 'unreasonable' in the circumstances but would result in some loss of amenity

value, meaning that replanting with an 'attractive mix' of species should be implemented if removal of the existing roadside specimens is undertaken. The application includes a landscape masterplan, although this has not been updated to reflect the revised site layout plan. It does however provide a good indication of the proposed approach to landscaping for the site. General areas of open space and tree planting are however shown on the revised site layout plan and are considered to be acceptable. However, should planning permission be approved, it is recommended that planning conditions are imposed which require precise details of the landscaping scheme to be provided (including details of all new planting) and a timetable for its implementation, as well as the submission of a tree retention plan and details of how retained trees (on and adjacent to the site) will be adequately protected during construction. A condition is also recommended to require a scheme to be submitted to demonstrate how the green infrastructure features within the site would, where feasible link to the green infrastructure features within the adjoining/surrounding green infrastructure network.

Impact on infrastructure

- 5.31 Yorkshire Water Services (YWS) have confirmed that their Statutory Sewer Map shows a 225mm diameter public sewer recorded as crossing through the application site. They have objected to the application as originally submitted, as the proposed layout of buildings and landscaping could seriously jeopardise YWS's ability to maintain the public sewerage network with buildings shown to be within 5m of the centre line of the public sewer and potentially new landscape planting within 3m. Although the amended site layout plan has sought to address YWS's objection to the proposal in terms of the proximity of buildings to the public sewer, it has yet to show/demonstrate that the landscaping scheme for the site would avoid any new tree planting within 5m of the public sewer. Failure to adequately demonstrate that the layout and landscaping of the scheme can be achieved without jeopardising YWS's ability to maintain the public sewerage network would be contrary to the requirements of Policy e2 (Amenity) of the Hambleton Local Plan and would constitute a reason for refusal. YWS have been reconsulted on the amended layout and their representations are still awaited. Members will however be informed of any subsequent YWS response/recommendation and any updated Officer recommendation within the update list.

Impact on heritage assets and their setting(s), including archaeology

- 5.32 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds

on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.

- 5.33 An Archaeology & Heritage Assessment has been submitted with the application to evaluate the historical and archaeological background to the site and its surroundings, and to assess the impact of the proposed development on the historic environment, including designated and non-designated heritage assets. The assessment confirms that there are no designated heritage assets within or bordering the application site, although the assessment identified the following heritage assets within 1 km of the site: 1 Conservation Area (Thirsk and Sowerby); 2 Scheduled Monuments; 54 listed buildings (including 1 Grade 1 and 1 Grade II*); There are also 98 non-designated heritage assets (including 69 archaeological events) identified within 1km of the site, although none within the site itself.
- 5.34 In respect to archaeology, the Archaeology & Heritage Assessment confirms that the proposed development is located within a rich archaeological landscape which has heritage assets dating from the prehistoric, Roman, Anglo-Saxon, Medieval to modern periods, and therefore archaeological deposits relating to earlier land uses may be present on the site, albeit likely to be compromised by agricultural practice and buildings already built on the site. The assessment also concludes that it is unlikely that there are no known (or likely) nationally important archaeological remains within the site that would prevent the development of the site. However, appropriate survey work was considered necessary to allow the archaeological potential of the site to be fully assessed.
- 5.35 An Archaeological Geophysical Survey (dated March 2020) has been submitted with the application. The survey includes the results and assessment of a magnetic gradient survey undertaken to help establish the presence (or otherwise) of any potential archaeological features within the application site. The survey was restricted to the areas of the site not covered by buildings, hardstandings and other obstructions. Although the survey identified a number of anomalies, the survey concludes that the majority of these relate to modern materials/objects, agricultural activity (including ridge and furrow) and geological/pedological variations. Other findings that were of more uncertain origin were not considered to form any obvious patterns/relationships that would indicate that they are of archaeological origin.
- 5.36 The County Council's Archaeological Services have been consulted on the application, with the Principal Archaeologist confirming that although the site is within an area of archaeological interest, the submitted archaeological assessment and results of the survey have demonstrated a low potential (for impact on archaeological remains) and therefore NYCC's Principal Archaeologist has identified no archaeological constraint relating to the proposed development.
- 5.37 Overall, the proposed development would not have a harmful impact on any Designated Heritage Assets and their settings, or on any Non-Designated Heritage Assets including archaeological remains and thus would comply with the relevant statutory requirements and the requirements and expectations of the NPPF as well as policies S7 and E5 of the Hambleton Local Plan.

Flood risk and surface water drainage

- 5.38 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.
- 5.39 Whitelass Beck is located adjacent to the northern boundary of the site, with water flowing to the west. Cod Beck is located approximately 250m to the west of the site and flows in a southerly direction. The northern part of the site (located adjacent to the southern bank of the beck) is located within Flood Zones 2 and 3 (medium and high risk of flooding) of the EA's flood maps for river and coastal flooding, although the vast majority of the site is in Flood Zone 1 (at low risk of flooding)
- 5.40 A revised Flood Risk and Drainage Assessment (Rev.B) (dated April 2022) has subsequently been submitted which has assessed the proposed development's risk from flooding and the suitable options for drainage.
- 5.41 The above assessment confirms that trial pits/soakaway testing has been undertaken within the site to assess the suitability of using soakaway/infiltration methods of surface water drainage for the proposed scheme. Although the western part of the site showed some potential for soakaway/infiltration use, groundwater was nevertheless found to be relatively shallow, whilst testing undertaken within the eastern part of the site revealed a shallow ground water level that is considered to be unsuitable for soakaway/infiltration use. The assessment therefore discounts the use of soakaways/infiltration methods as a viable and sustainable form of surface water drainage for all of the development.
- 5.42 Controlled discharge (through use of appropriate attenuation) to Whitelass Beck is therefore considered by the assessment to be the most sustainable and viable surface water solution in accordance with the drainage hierarchy of H3 of the Building Regulations. The assessment proposes surface water scheme with a discharge rate to the watercourse of 3.5 l/s which the assessment considers to be the lowest achievable discharge rate without resulting in blockages and maintenance issues. A gravity connection to the watercourse is unlikely to be feasible, so a pumping system may need to be incorporated (and adopted by YWS through a Section 104 Agreement) as part of the approval of any detailed surface water scheme for the site. Attenuation is likely to be in the form of oversized pipes or storage tank(s) The assessment also states that whilst the greenfield rate for the site would be exceeded at peak flow times, this would not be sufficient to create any exceedance issues, although an exceedance plan is included within the appendices of the FRDA which, when considered in combination with a proposed finished floor level of dwellings within the scheme, is proposed to mitigate the impact of any exceedance flows resulting from any failure of the surface water drainage scheme.
- 5.43 The FRDA has considered flood risk from other (non-fluvial) sources of flooding. A small area of 'medium' extent surface water flooding is shown on the EA's surface water flood maps, although given its size and likely location within the landscape buffer zone/rear gardens of properties, the risk is considered to be low and acceptable as are the risks from all other flood risk sources.

- 5.44 It should be noted that the plans contained within the FRDA show a land- edged- red that differs from the one shown on the site location plan, meaning that the northern part of the application site adjacent to the southern bank of Whitelass Beck and within Flood zones 2 and 3 doesn't appear to have been included in the FRDA assessment with regard to drainage and flood risk considerations. However, the area of the application site that appears to have been omitted from consideration within the assessment appears largely to comprise of the green buffer zone to be created adjacent to the beck and does not contain the footprints of any dwellings as shown on the revised layout plan. As such, the conclusions and recommendations within the assessment regarding drainage and flood risk remain valid, although no ground should be built up within Flood Zones 2 and 3. This can be required by condition if planning permission is granted.
- 5.45 Following their initial comments and their subsequent reconsultation based on the revised FRDS, the LLFA have submitted additional comments requesting further clarification on several matters, including finished floor levels of dwellings, urban creep allowance in the volume control calculations and the location and adoption/future maintenance of any surface water attenuation features. These matters can be clarified/agreed through the approval of any detailed surface water drainage scheme (via condition(s)) should planning permission be granted. The IDB remain concerned about the potential obstruction of their access to the watercourse as a result of the development, however the provision of the green buffer adjacent to the southern bank of Whitelass Beck should prevent any significant issues in this regard, although the precise route of the diverted PROW should take this matter into consideration.

Foul drainage

- 5.46 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments.
- 5.47 The revised Flood Risk and Drainage Assessment (Rev.B) confirms that foul sewage from the development is proposed to be discharged to the public sewer network, connecting to the public foul sewer in the A61 at a point south-west of the site (this connection point is based on pre-application advice provided by YWS) The assessment assumes that a gravity connection can be achieved, although if further detailed investigations show that a gravity fed connection is not possible, then a pumped discharged solution (e.g. foul water pumping station and rising main) would be required. If planning permission is approved, precise details of the foul drainage scheme, including any pumping infrastructure, and mains connection point, shall be submitted to and agreed by the Local Planning Authority prior to the commencement of the development. Subject to this conditional requirement, the proposed foul drainage solution is considered to be sustainable and in compliance with Policy RM1 of the Hambleton Local Plan.

Land and water pollution/contamination (including impacts on aquifers/source protection zones)

- 5.48 Both a Preliminary Assessment of Land Contamination (PALC) and a Phase 1 Geo-Environmental Appraisal (dated May 2020) has been submitted with the application. The assessment includes details/findings of a review of the available geological, hydrogeological and environmental records as well as a site walk-over and provides

geotechnical and environmental information in relation to the proposed residential end-use of the proposals. The appraisal includes potential sources of historical ground contamination, likely impacts on sensitive receptors and, where necessary, the identification of any remediation and/or subsequent investigative works that may be required.

- 5.49 In terms of hydrogeology, the Phase I Appraisal has confirmed the existence of Secondary A and B Aquifers within the superficial deposits and the bedrock respectively, although it is also confirmed that there are no source protection zones within 500m of the site and there are no groundwater, surface water or potable water abstractions located within 1km of the site.
- 5.50 The Phase I Appraisal has identified three potential sources of contamination: (i) contaminated made ground soils, underlying natural strata/perched groundwater (ii) localised pesticide contamination associated with agricultural activities; asbestos fibres due to the age of the existing and now demolished buildings on site. Given the site history, the anticipated contaminant load within the on-site soils, its underlying geology, gassing potential and the nature of controlled waters receptors, the sensitivity of the site is considered to be low to moderate. Although the nature and concentration of any contamination will need to be confirmed through further investigation and testing (i.e. the undertaking of a Phase II Assessment), potential remediation is recommended within the appraisal in the form of a soil capping layer in gardens and soft landscaped areas given the potential for elevated concentrations of inorganic and organic contaminants within any made ground soils (and/or the underlying near surface natural strata) although specific mitigation/remediation would form part of the recommendations within a Phase II Assessment.
- 5.51 The Council's Environmental Health (Contaminated Land) Team have commented on the application and have supported the recommendation of the Phase I assessment that a Phase II Assessment should be submitted. If planning permission is granted, it is recommended that the Environmental Health's recommended conditions (detailed in para. 4.11 of this report) are imposed, including the submission and approval of a Phase II Assessment. In addition, several pollution control measures are recommended within section 6 of the FRDA in relation to pollution prevention/control in relation to surface water drainage/run-off from the site. If planning permission is granted, it is also recommended that the permission is conditions to require these pollution control recommendations to be implemented as part of the approved development.
- Ecology and biodiversity net gain (BNG)
- 5.52 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity, with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Furthermore, direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where: 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.); and where proportionate long-term maintenance

arrangements for BNG are demonstrated (criterion b.); and where a 'overriding public need' has been demonstrated that outweighs the need to safeguard biodiversity (criterion c.), or where the principle objective of the proposals is to 'protect, restore, conserve or enhance' biodiversity or geodiversity (criterion d.).

- 5.53 An updated Ecological Impact Assessment (dated October 2022) and BNG Assessment have subsequently been submitted following the expiry of the consultation period and to seek to address the concerns of Officers and consultees regarding the impact on ecology and the lack of information within the application to demonstrate BNG.
- 5.54 In order to achieve a BNG for the proposed development, the BNG Assessment proposes the use of a 0.5ha parcel of arable land located approximately 330m to the east of the applicant in order to provide off-site BNG. The location of this area of land is shown within Figure 5 of the BNG Assessment. The land in question is physically separated from the application site, but along with the intervening land is within the land-edged-blue of the location plan and therefore assumed to be within the ownership of the applicant. The BNG Assessment proposes that off-site mitigation in the aforementioned area of land would consist of several new small ponds, neutral grassland and scattered trees. The BNG Assessment includes the results of the BNG Metric which shows that the proposed development and proposed off-site mitigation would result in a 2.85% gain in habitat units and a 265.72% gain in hedgerow units. The assessment recommends that specific details regarding habitat creation and management plans should be provided within a Biodiversity Environmental Management Plan (BEMP) detailing the details regarding grassland, tree planting, pond creation and how the habitat will be managed into the future to achieve and retain the stated BNG. Should planning permission be granted, it is recommended that a BEMP is submitted to include require the aforementioned on site and off site mitigation to be appropriately created and retained in accordance with a BEMP and based on the recommendations within the BNG Assessment.
- 5.55 It is confirmed within the Ec.I.A. that there are no statutory designated sites within 2km of the application site and Natural England have not raised any concerns having been consulted on the application. The Ec.I.A. has also considered the impact of the proposed in terms of ecology/biodiversity within and adjacent to the site itself, concluding that the loss of the neutral grassland, scattered scrub, a section of native hedgerow and the farm complex/buildings would have a negative ('not significant') impact. A 'green wildlife corridor' (varying in width between 4-18m) would be created adjacent to the beck along the northern edge of the site in order to both protect and potentially enhance the ecological value of the watercourse and its fauna and flora (including trees) Although there are some concerns expressed regarding the provision of the diverted PROW through this area, the proposed diverted route of the footpath would be to its southern extent and therefore lesson any impact on the watercourse corridor. The precise route of the RPOW would need to be agreed as part of any Footpath Diversion Order. If planning permission is granted, a Biodiversity Environmental Management (BEMP) is recommended (via condition) so that the details of the green wildlife corridor and other ecological features/enhancements and their future management are agreed. There are also other mitigation measures recommended within section 7 of the Ec.I.A. to ensure that impacts are reduced to neutral or positive effects. If planning permission is granted, it is recommended that the mitigation, procedural/timings and

enhancement recommendations within the Ec.I.A. are required to be carried out/adhered to by planning condition.

Climate change and carbon savings

- 5.56 One of the seven 'sustainable development principles' of Policy S1 (Sustainable Development Principles) is to support development...that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (part g.) This is taken further by part k. of Policy E1 (Design) that supports proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of land form, massing and landscaping to minimise energy consumption. In accordance with paragraph 112 of the NPPF, proposals should also be designed to enable charging of electric and ultra-low emission vehicles in safe, accessible and convenient locations. Little detail regarding the carbon savings and renewable energy provision within the scheme have been provided with the application. However, if planning permission is granted, it is recommended that a condition is imposed requiring details of all feasible carbon savings and renewable measures to be implemented to be submitted for approval by the Local Planning Authority.

Other Issues

- 5.57 The application site is within the MOD safeguarding zone and as such the MOD (DIO) have been consulted on the application. No response has been received from the MOD, however given the nature and scale (including heights of buildings) it is not considered that the proposed development poses any unacceptable risk to aircraft or the safe operation of the airfield and its infrastructure/communications. That said, should planning permission be granted, it is important that any specific landscaping and above ground SUDS attenuation (to be agreed through condition) takes into condition the recommendations of the MOD in terms of reducing/mitigating the risk of bird strike.
- 5.58 The application would involve the loss of agricultural land, with the maps within the Phase 1 assessment showing that the Agricultural Land Classification (ALC) being predominantly grade 2. Policy S5 of the Local Plan expects the loss of the best and most versatile agricultural land to be avoided, wherever possible, where significant development in the countryside is demonstrated to be necessary. Although grade 2 agricultural land would be classified (along with Grade 1 and Grade 3a land) as BMV land, it is not considered that the size of the site (when the existing building group and associated infrastructure is omitted) is 'significant development', although not definition of what constitutes significant development is provided within the glossary of the Local Plan.

Planning balance

- 5.59 The application site is on the edge of the designated Market Town of Thirsk and considered to be outside, but adjacent to, the main built form of the settlement. Although the application site was part of a housing allocation within the now superseded LDF, the site is not one of the designated housing allocations within the current Hambleton Local Plan, adopted in February 2022. While the applicant's reasons (as stated within the subsequently submitted supporting statement) for not

submitting an application earlier in order to be determined under the policies of the LDF are noted and acknowledged, however it is not considered that this can be given material weight in the planning balance.

- 5.60 The details of the proposed development including its design, impact on amenity, landscaping, BNG and impact on ecology, provision of affordable housing and housing mix, highway and drainage impacts are considered to be in accordance with relevant Local Plan policy and therefore acceptable (subject to conditions), or in the case of flood risk/drainage, highway safety and impact on airfields, likely to be acceptable subject to the submission of additional details and/or the subsequent receipt of positive recommendations from the relevant technical consultees. It is also the case that alongside the economic and social benefits of providing new affordable and market housing with an appropriate mix, there are clear visual and landscape/townscape character benefits to re-developing a former agricultural site that has long fallen into disrepair. However, these benefits would not outweigh the harm resulting from the granting planning permission for a unsustainable major housing development on a large non-allocated site located within a countryside location contrary to the housing policies of the Hambleton Local Plan, which would undermine the Local Plan's strategic spatial approach for new housing across the District within the Plan Period and place an unsustainable and unplanned for strain on local services, facilities and infrastructure.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason:

The reason is: -

1. Although the application site was previously a housing site allocation (TH3) within the Council's Local Development Framework (LDF), the site is not wholly or in part an allocated site within the Council's Local Plan which superseded the LDF when it was adopted in February 2022. The site was removed from the housing supply as it was considered at that time that there was no prospect of it coming forward. As such, the site's previous designation as an allocated housing site carries no material weight when determining the application in accordance with the policies of the current Development Plan (i.e. the Local Plan). As a non-allocated site on the edge of the main built form of the Market Town of Thirsk, there is no policy support within the strategic and housing policies of the Hambleton Local Plan for residential development. Granting planning permission would therefore be contrary to the policies and expectations of the Hambleton Local Plan.