

Parish: Topcliffe
Ward: Sowerby and Topcliffe

Committee Date : 24 November 2022
Officer dealing : Ian Nesbit
Target Date: 21 September 2022
Date of extension of time (if agreed): 31 October 2022

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22/01474/OUT

Outline application with all matters reserved except access for employment development comprising industrial uses (class B2/E(g)(iii)) and/or storage & distribution uses (class B8), including ancillary office space, with associated infrastructure and landscaping, and demolition of existing structures (additional Highways Technical Note and amended FRA and Drainage Assessment received on the 24.08.2022 and 25.08.2022 respectively)

At: Eldmire Farm Eldmire Lane Dalton
For: Mr R Bannister

This application is being considered by the Planning Committee as it is contrary to the policies of the Hambleton Development Plan

1.0 Update

- 1.1 Members will recall that the application was originally deferred at the October 2022 Planning Committee as it had come to light after the publication of the agenda that Topcliffe and Dalton Parish Councils had not received correspondence from the Local Planning Authority notifying them of the application and inviting their representations. It was also not clear whether local residents/neighbours had received the notification letters sent out by the Local Planning Authority upon validation of the application.
- 1.2 The majority of this report remains as previously reported to Members for the October 2022 meeting, although does include items originally reported on the update list along with the comments from the Parish Councils (as received) and from local residents following the aforementioned consultations. Minor additions and corrections of any small errors within the previous report have also been made.

2.0 Site context and proposal

- 2.1 The 5.13ha (approximate) application site is located between the villages of Topcliffe and Dalton, in close proximity to the junction between the A168 and the A167. The application site consists of disused agricultural (poultry) buildings, parts of the runways of the former RAF Dalton airfield and areas of grassland/scrubland between structures and hardstanding areas. Although the poultry agricultural use has not operated from the site for a significant amount of time, an authorised use of the hardstanding areas within the site is currently used for a wood chipping operation which would be discontinued in due course. Access to the site is via Eldmire Lane to the west of the site (a gated access set off the road adjacent to the residential property of The Bungalow), with transit required across a track over the intervening fields. The site is situated to the south of Dalton Lane. Remaining

hardstanding areas of the disused RAF Dalton Airfield are to the south-east, with Dalton Airfield Industrial Estate further to the south and south-east. This existing employment site contains a range of industrial buildings with predominantly B2 and B8 uses.

- 2.2 Allocation DAL1 of the Hambleton Local Plan wraps around the buildings and associated land of the application site with only a small part of the south-eastern boundary of the site not adjoining the allocation. The proposed access and access road (included within the land-edged-red of the application site) is on land included within allocation DAL1, although the former poultry buildings and surrounding/ associated land does not form part of the allocation.
- 2.3 The application is seeking outline planning permission (all matters reserved, except for access) for the employment use of the agricultural site, specifically Class B2; Class E(g)(iii) and Class B8, and ancillary office space and associated infrastructure and landscaping. The proposals also seek the demolition of the existing buildings/structures on site.
- 2.4 It is worth noting that Class B2 is a general industrial use, while Class E(g)(iii) is in relation to industrial processes which can be carried out in a residential area without detriment to its amenity. Class B8 is storage and distribution.
- 2.5 An indicative site plan has been submitted with the application. This shows a single larger building (Unit A) with a footprint that occupies the majority of the site. It is indicated on a Parameters Plan that the building's height would be up to 18 metres, although the precise height would be agreed as part of a subsequent reserved matters submission should outline permission be granted. No floorplans have been provided, although an area of the unit's footprint is shown as being allocated for the creation of mezzanine offices, while amenity space (including a canteen) is also proposed to be created. On site car parking is however proposed to the west of the unit, and service yard area to the north. Ponds are shown to the east of the unit and north of the service yard, while access would be taken from the north. A Demolition Plan submitted shows that the range of poultry houses on site would be demolished as part of the proposed scheme.
- 2.6 In terms of proposed floorspace to be created, whilst the Supporting Statement confirms that the exact quantum of employment floorspace to be developed on the site is subject to detailed design at the reserved matters stage when the requirements of occupier or investor businesses are confirmed, the development has been assessed on the basis of 16,750 sqm floorspace.
- 2.7 The Parameters Plan indicates that a new access road to be created linking the site with Eldmire Lane within an area identified on the plan as an Access Zone within which the access and new road would be created, although no precise layout of the access or road is shown on the submitted plans (only an indicative road layout is shown). The access junction onto Eldmire Road (as indicated by the Access Area) is at the same point as the approved access junction approved (but not yet constructed) as part of the hybrid planning permission 21/00331/HYB (as per approved plan AMA/20573/SK006.6). It is clarified within the application documents that no development is proposed within the 'access area' other than a roadway to link the 'employment development site' and the public highway at Eldmire Lane.

This Access Zone is intended to provide flexibility in the precise alignment of the roadway to be constructed.

- 2.8 As mentioned within the Supporting Statement, it is anticipated that the development will be brought forward as a phase (or part of a phase) of the wider development on the adjacent land to the west. The phasing of development shall be compatible with the delivery of necessary infrastructure. In particular the road link between the development site and Eldmire Lane shall be completed prior to the occupation of any development approved pursuant to this planning application.
- 2.9 It is proposed that the development will operate 24 hours/7 days per week.
- 2.10 The following plans have been submitted with the application for which outline planning permission is sought:
- Site Context Plan (2019-062-065 Rev.A)
 - Wider Indicative Site Plan (2019-062-064 Rev.D)
 - Parameters Plan (2019-062-062 Rev.D)
 - Proposed Access Layout Plan (AMA/20573/SK006.6)
 - Demolition Plan (2019-062-006 Rev.A)
 - Site Location Plan (2019-062-060 Rev.B)
- 2.11 The following drawings have been provided with the application for indicative and illustrative purposes only:
- Indicative Site Plan (2019-062-061 Rev.A)
 - Wider Site Plan (2019-062-064 Rev.D)
- 2.12 The following information was submitted with this application:
- Covering Letter
 - Planning Statement
 - Design and Access Statement
 - Transport Assessment
 - Framework Travel Plan
 - Ecological Impact Assessment
 - Flood Risk Assessment and Drainage Strategy (superceded)
 - Noise Assessment
 - Air Quality Assessment
 - Phase 1 Desktop Study Report
- 2.13 The following additional/amended documents have been submitted since the validation of the application:
- Highways Technical Note (dated 24.08.2022)
 - (amended) Flood Risk Assessment and Drainage Strategy (V.3 – August 2022)

3.0 Relevant planning history

Relating to the application site:

- 3.1 19/02634/FUL - Retrospective application for the change of use of the land for the storage of logs for wood chipping, operation of mobile wood chipper and storage of wood chip, Approved, 21.05.2020.

The land-edged-red for this planning permission only included a strip of land to the east/north-east of the poultry buildings, and not the whole of the land that forms the current application site.

Predominantly relating to land to the north and west of the application site:

- 3.2 21/00331/HYB - Hybrid planning application seeking a.) Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping; and b.) Full planning permission for creation of new main access and road spur with associated infrastructure. Approved, 22.12.2021. This employment development is known as Dalton 49 Thirsk'.

The 'outline' element of the above hybrid permission is in respect to the adjoining land to the north and south/southwest of the application site. A small part of the 'outline' application site is also included within the land-edged-red of the current application, i.e. the area shown on the indicative site plans that as the 'Access Zone'.

To clarify, the application site for this hybrid permission includes the western half of the DAL1 allocation, i.e. the parts of the allocation to the west and north of the current application site. The hybrid permission also includes an elongated strip of land outside of, and to the south of the DAL1 allocation. The land subject to permission 21/00331/HYB is within the land-edged-blue of the current site location plan indicating that the applicant owns both sites.

The permission allows the removal of vegetation (including the tree belts in part) and development of buildings up to 18m in height. Details of the site layout, building design, landscaping and infrastructure are to be approved via reserved matters applications, although no reserved matters or discharge of conditions applications have yet been submitted in relation to application 21/00331/HYB at the time of writing.

The area of the site access granted 'full' planning permission by the hybrid permission (shown as a hatched area on the site location plan of the hybrid permission) is included within the land-edged-red of the current application.

Relating to land to the east of the application site:

- 3.3 19/01626/FUL - Construction of agricultural feed mill, warehouse, access and parking arrangements and associated works at OS Field 6717 Eldmire Lane Dalton, approved, 04.02.2020. (subsequent discharge of applications 'DCN' and 'DCN01' were approved in June and July 2020 in relation to discharge of conditions 7, 12, 15

and 16, and a non material amendment application for amendments to the drainage scheme 22/01949/NMC is currently under consideration).

Two successive 'variation of conditions(s)' applications (20/02650/MRC and 21/02987/MRC) were approved in February 2021 and March 2022 for amendments to the approved scheme. The first variation related to changes to the siting of the buildings and relatively minor changes to the elevations of the proposed mill building. The later 'variation' approved changes to the design and layout of the approved mill building. *(a discharge of condition application for conditions 10 and 11 of 21/02987/MRC is currently under consideration)* Planning permission was approved in June 2021 of the erection of a new electric substation to serve the development (2101078/FUL).

3.4 In site in question is located to the east of the application site, and although it does not directly adjoin it (due to an intervening strip of land), the sites have a close visual relationship. The application site for this mill development is located, in part, within the 'DAL1' allocation of the Local Plan. In summary, the approved scheme involves the following:

- 1) A production (mill) building 1335m² in plan area and with a maximum of height approximately 34m.
- 2) A warehouse building with a plan area of approximately 1050m² and a maximum height approximately 12.5 metres.
- 3) An external service yard.
- 4) A new vehicular access onto Dalton Lane (this has since been constructed).

4.0 Relevant planning policies

4.1 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 EG1: Meeting Hambleton's Employment Need

Local Plan Policy EG2: Protection of Employment Land

Local Plan Policy EG7: Businesses in Rural Areas

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 E6: 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 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 RM4: Air Quality
Local Plan Policy RM 5: Ground Contamination and Groundwater Pollution
National Planning Policy Framework
National Planning Practice Guidance

5.0 Observations

5.1 Parish Councils (Topcliffe and Dalton) –

Topcliffe Parish Council have made the following comments/observations/concerns (as summarised) since the publication of the previous (October 2022) Planning Committee report -

- Although the Parish Council has been broadly supportive of development on the Dalton former airfield industrial estate and still believe that developing the Industrial Estate is the right thing to do, they note that unauthorised HGV traffic through the villages of Topcliffe, Asenby and Dalton has noticeably increased and they have also received complaints about odour. The amount of HGV traffic is only going to get worse with approved and proposed development in this location and without enforcement action being taken. The various application documents completely fail to recognise or attempt to address any of the known and well publicised HGV issues. The existing HGV issues are also not recognised by the Local Highway Authority [in their response] despite of nearly 2 years of discussions.
- The application was unexpected (and was not included as an allocation on the Hambleton Local Plan, although it probably should have been) The Parish Council and residents are only just becoming aware of the proposal and its implications.
- From previous and practical experience, they are concerned planning conditions are often difficult to enforce and therefore do not achieve their desired outcome(s). Therefore, in order for the Parish Council to continue supporting development at the industrial estate, it is essential that enforceable conditions are imposed to protect local residents.
- They therefore recommend that the following planning conditions are imposed (as summarised) if outline planning permission is granted:
 - The installation of a smart camera system to record HGV vehicles entering and leaving the Weight Restriction Area to facilitate any enforcement action.
 - Local and national traffic signage to be erected and that the development is not to commencement until all signage is in place.
 - Ensure that any breaches of the approved traffic management requirements are strongly enforced, and any costs met by the developer and businesses.

Dalton Parish Council – Dalton Parish Council have yet to respond to the consultation. Any response received will be reported to Members via the Update List or during the Meeting, as appropriate.

5.2 Defence Infrastructure Organisation (DIO) Safeguarding Team – The DIO have provided a detailed representation, making/raising the following observations/concerns:

(a) The DIO have confirmed that the application site is within the statutory safeguarding zones (i.e. the aerodrome height and bird strike safeguarding zones) surrounding RAF Topcliffe, approximately 3.15km from the centre of the airfield. There is a requirement for Safeguarding consultation where development within the Aerodrome Height Safeguarding Zone is, or exceeds in height, 15.2m above ground level. In terms of the Birdstrike Safeguarding Zone, there is a Safeguarding consultation requirement for development that might result in the creation of environments/features that might attract large and/or flocking bird species that are hazardous to aviation safety, the principal concern of the MoD being the creation of new habitats that may attract and support populations of large and/or flocking gulls close to the aerodrome. Having reviewed the application documents, the DIO acknowledge that as an outline application (with all matters reserved except access) the details of the roof designs of buildings, drainage/SuDS and landscaping are not provided in sufficient detail in order to perform the appropriate assessments.

(b) Nevertheless, the block plan shows a single industrial unit with car parking and a SuDS basin/pond, no details are available of the proposed landscaping. The large industrial unit has the potential to attract breeding, loafing or roosting large gulls if the roof is flat or gently sloped. If this is the case then a Bird Hazard Management Plan may be required to prevent successful breeding by large gulls.

(c) The SuDS for the site is likely to include an open basin or pond. This has the potential to attract and support hazardous waterfowl. Therefore, this feature should be designed to be generally dry, holding water only during and immediately after an extreme rainfall event, with a quick drain down time. No additional open water should be present on the site.

(d) In principle, MOD has no objection to the proposed development, however the final form and massing of any buildings that might be erected, and the landscaping and SuDS systems proposed may necessitate MOD requirements for planning conditions.

- 5.3 HDC Economic Development – Have commented that this seems to be a suitable application for this site, despite it not being an allocated employment site for the reasons in the planning statement and Design and Access Statement, and assuming that it is suitable from a Highways and traffic perspective.
- 5.4 Environment Agency (EA) – The EA have confirmed that they have no objection to the proposed development, advising that they are satisfied that the submitted Ecological Impact Assessment has considered all the relevant protected species and habitats and that BNG for the site will meet and adhere to current government legislation. Furthermore, the EA have confirmed in their response that the flood risk information submitted is appropriate to the scale and nature of the development and that they have no flood risk concerns.
- 5.5 Swale and Ure Internal Drainage Board (IDB) - “Any surface water entering the Boards catchment requires restricting to an existing evidenced greenfield rate. Board consent under the Land Drainage Act 1991 (amended) will be required...”

- 5.6 Lead Local Flood Authority (LLFA) – The LLFA provided an initial response that recommended that the applicant provide further information before any planning permission is granted, comprising of: (a) the recalculation of surface water discharge rates to greenfield run off rate and the resubmission of preliminary calculation with correct Climate Change allowance applied; (b) a catchment plan which clearly defines the impermeable areas, pre and post development, and (c) a preliminary landscape proposal with indicative exceedance routes identified to ensure safe egress from the site should flooding occur.

Following the submission of an updated FRA and Drainage Strategy and supporting email in August, 2022, the LLFA were able to confirm that they had no objections to the recalculated surface water discharge rate at the greenfield rate (i.e. 9.5l/s), clarifying that the application was able to demonstrate a reasonable approach to the management of on-site surface water and that the LLFA had no objections to the approval of the application, subject to the following recommended conditions:

- (a) The approval of a scheme detailing foul and surface water drainage, with the SuDS designed in accordance with NYCC SuDS Design Guidance. The approved drainage works should be completed prior to the development being brought into use.
- (b) The development shall not commence until a scheme restricting the development flow runoff from the site is approved. The maximum flowrate from the site shall be no more than 9.5 l/s (for up to the 1-in-100 year storm event), with additional allowances for climate change as well as for urban creep (10%) for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
- (c) No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority, ensuring that site design is such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site.

- 5.7 Yorkshire Wildlife Trust (YWT) –The YWT have no comments to make on the application. The YWT have confirmed in their response that the lack of comment does not imply that there will be no impacts on the natural environment, only that there are no specific constraints on this site which warrant comment from the YWT, due to our limited resources.

- 5.8 NYCC Local Highway Authority – This proposal is reliant on the provision of the access approved under application reference 21/00331/HYB. The Local Highway Authority recommends that the relevant conditions from that application are attached to any permission granted:

- New and altered private access or verge crossing at Eldmire Lane
- Visibility splays at Eldmire Lane
- Details of Access, Turning and Parking
- Construction Management Plan

- 5.9 National Highways – The application site is in the vicinity of the A168 at Topcliffe that forms part of the Strategic Road Network. They initially issued a holding objection until the 03.02.2023, or until further clarification was received.

Following National Highways' consideration of the Highways Technical Note submitted by the agent in August 2022, National Highways have been able to amend their recommendation, confirming that they have no objections to the proposals.

National Highways would agree with AMA that the A167/Dalton Lane T-junction is predicted to operate within capacity during the both the AM and PM peaks in 2027, however, not that this junction is approaching the maximum preferred ratio of flow to capacity, hence it is important that a 2032 assessment is also provided for review, and have requested that the applicant provide a 2032 junction capacity assessment for both the Class B2 and B8 development scenarios. However, they are clear in their response that the 2032 assessment would be for information purposes to advise National Highways of potential future issues, with no expectation that the develop mitigate the impact. The agent has acknowledged National Highways' request and has stated that he will seek to provide the 2032 as requested.

- 5.10 Local Access Forum - No representation received.

- 5.11 Environmental Health – Having considered the potential impact of the proposed development on amenity and the likelihood of it to cause a nuisance, EH have confirmed that there is a potential that the development would have an adverse impact on nearby residents at Dalton Bridge Park where noise creep could be an issue. EH note that the application is seeking no operating time restrictions, meaning that there is the potential for operations 24 hours per day, seven days per week.

No assessment(s) of the impact from noise has been provided (with the application) in relation to either noise from the proposed unit or vehicle movements on the shared access road. In order to address these outstanding concerns, EH have recommended that the following conditions are imposed:

- (a) Prior to the commencement of the development, an assessment of noise impact on the nearest sensitive receptors using appropriate methodology should be carried out and the results submitted to the LPA for approval (in writing)
- (b) Prior to work commencing the applicant should submit a demolition and construction plan, to be agreed in writing by the planning officer. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust and vibration from the site during the construction phase which may impact on existing noise sensitive premises.
- (c) No HGV / Refrigerated vehicles shall be parked overnight on the highway within the development area, or on the access road.

An additional response (as summarised) was received from Environmental Health (dated 21.10.2022) based specifically on consideration of the Noise Assessment Report (N.A.R.) submitted as part of the application –

- Overall, the N.A.R. has been undertaken to a standard that provides enough information about future anticipated noise levels at the nearest noise sensitive receptors.

- However, as the N.A.R. has been undertaken in the context of an outline application (where certain details are not yet known), it has made an initial assessment (based on number of assumptions) that has identified that there could be an adverse impact at the nearest noise sensitive receptors during night-time hours. However, the N.A.R. recommends mitigation measures to ensure that the noise impact is 'low'.
- Based on the assessment, conclusions and recommendations within the N.A.R., E.H. have recommended the following conditions: in order to protect the amenity of the nearest noise sensitive receptors:
 - (i) The building(s) shall be designed to provide suitable screening from any noise from any external plant and/or any externally terminating plant. Any fixed plant shall not exceed a specific sound level of 69dB L_w.
 - (ii) Facades of buildings shall be constructed from a suitable material that provides a minimum sound insulation performance of R_w 38dB when tested in accordance with EN ISO 10140-2 and rated to BS EN ISO 717-1. Building design should avoid or minimise openings on the façade facing the nearest noise sensitive receptors.
 - (iii) Traffic calming speed humps shall not be installed on the access road.
 - (iv) A 3m acoustic screen shall be installed along the northern boundary of the development and a 2.4m high acoustic screen shall be installed along the western boundary of the development.

5.12 Environmental Health (Land Contamination) - EH have assessed the submitted Phase 1 Desk Study Assessment, which they have noted identifies low but potential risk from contamination and thus recommends further investigation resulting in the submission of a report detailing the findings and recommendations of a Phase 2 site investigation and risk assessment. EH state that this report should ideally be submitted prior to the determination of the application, however the following conditions (as summarised) are recommended if not:

- Prior to commencement of the development, the submission and approval by the LPA of a Phase 2 assessment of the risks posed by contamination.
- Prior to commencement of the development, the submission and approval by the LPA of a detailed remediation scheme.
- 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 LPA.
- 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 LPA. 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 LPA. 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 LPA.

5.13 NYP Designing Out Crime Officer (DOCO) – The DOCO has submitted a Designing Out Crime Report, commenting (as summarised below) on the following crime/design-related matters that they recommend are reflected in the detailed design and layout of the scheme in order to provide a safe and secure environment by reducing the opportunities for crime and anti-social behaviour in accordance with Local Plan and national planning policy:

- Access and Movement – The proposed access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes have the potential to be well overlooked, which will give users a sense of safety and security.
- Ambiguous Space – Ambiguous space should be avoided.
- Defensible Space and Boundaries - It appears that the development will have a clearly defined perimeter with appropriate boundary treatments, that will provide a sense of territoriality, although any physical boundaries associated with buildings should not create climbing aids.
- Car Parking – car parking arrangement and positioning relative to buildings should ensure it is secure and overlooked (with good natural surveillance)
- Cycle Storage – Cycle parking for staff should ideally be within a secure structure, however, if external cycle racks are to be provided, they should be undercover, appropriately illuminated and should be located close to the building (i.e. for natural surveillance)
- Refuse and Recycling Storage – to prevent arson or being used as climbing aids, refuse and recycling bins should be stored within a secure compound.
- External Fire Escapes – All external elevations, where there are doors or windows at ground floor level, should be appropriately fitted with vandal resistant security lighting,
- Lighting – It is recommended that all internal roads and parking areas be illuminated with appropriately designed lighting.
- CCTV – For deterrent and evidence-collecting purposes, consideration should be given to the installation of CCTV systems to each unit to cover any vulnerable external areas where there is no natural surveillance.
- Landscaping – Any planting should not obstruct windows, lighting, or CCTV cameras (if installed). Planting in car parking areas should have a maximum growth height of 1 metre or should be maintained to this height. The lowest branch of any tree should be at least 2.5m from ground level and should not be positioned to enable them to be used as a climbing aid to overcome secure perimeter protection, gain access to windows above ground floor level or roofs. There should be a management plan in place to provide details of how any landscaping will be maintained and who will be responsible for this. Areas that are not maintained can quickly become unsightly, which can raise the fear of crime amongst employees and visitors, and this can have a negative impact on the sustainability of a scheme.
- Construction Phase – It is strongly recommended that site security be given serious consideration.

The DOCO recommends that should the Council be minded to approve outline permission, that a planning condition is imposed requiring full details of what crime prevention measures are to be incorporated into the site and requiring the applicant to show how the above issues raised by the Police Designing Out Crime Officer are

to be addressed and/or the reasoning for not incorporating the DOCOs recommendations/suggestions within the detailed scheme.

- 5.14 Campaign for the Protection of Rural England (CPRENEY) – CPRENEY have confirmed that they are entirely supportive of the proposed change of use of the agricultural site to employment use. Should outline planning permission be approved, CPRENEY would expect to see details of the use of sustainable building materials and energy efficient technologies to ensure a net-zero development; the delivery of a minimum 10 per cent biodiversity net gain; and the incorporation of Electric Vehicle Charging (EVC); and the provision of an appropriate Travel Plan.
- 5.15 Yorkshire Water (YW) – If outline planning permission is granted, YW have recommended that the following (as summarised) planning conditions:
- Construction works in the relevant areas of the site shall not commence until measures to protect the public water supply and sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Alternatively, if diversion or closure of the relevant infrastructure is proposed, the developer shall submit evidence to the LPA that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.
 - The development shall be carried out in accordance with the details indicated within the FRA and Drainage Strategy, unless otherwise agreed in writing with the LPA.
 - The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the agreed point(s) of discharge.
- 5.16 NYCC Archaeological Services – Have confirmed that as the current use of the site is as a turkey farm (with three large sheds and areas of external hardstanding) this will have reduced the archaeological potential of the site. It is therefore unlikely that the proposal will have a significant impact on archaeological remains. The County Council's Principal Archaeologist has no objection to the proposal on this basis.
- 5.17 Natural England – No representation received.
- 5.18 Historic England – Have confirmed that they are not offering any advice/comment on the application.
- 5.19 Public Comments – Following the undertaking of a new 21 day consultation exercise to neighbours/local residents a total of 36 representations have been received: 34 objecting; 2 neither supporting or objecting and 1 supporting (although includes a range of concerns), the contents of which are summarised below (any additional representations received prior to the Meeting will be reported to Members via the Update List or during the Meeting, as appropriate):
- Current and Increased issues associated with Traffic Movements (particularly HGVs movements) – current issues with HGV traffic travelling through the villages of Topcliffe, Asenby and Dalton will only get significantly worse by the proposed development with potential for 24/7 operations, unless controls

are brought in and enforced...issues with HGV damage to Topcliffe Bridge, the Conservation Area and Listed Buildings (heritage assets) and to residents' level of amenity (including odours, light and air pollution, overshadowing, noise and vibrations) as well as to the safety of other highway users (including pedestrians, horse riders and cyclists), congestion and damage to private property...The LHA have not recognised that there is an issue...conditions should in theory give villagers some protection, although their effectiveness is doubted due to the level of traffic increase and the need for effective enforcement...mitigation in the form of 24 hour monitoring systems; the installation of weight restriction signage on and around the A168; and alternative HGV routes and restriction on hours for routes through the villages should be considered/implemented...reassurances sought that the noise and other amenity mitigation measures proposed in the application will be implemented.

- Issues with Consultation – Parish Councils and local residents are only just being informed of the application despite being received by the District Council in June this year...query about why the application has been advertised in the Easingwold Advertiser...the Council should defer making a decision on the application until residents have had time to consider and respond to the proposals.
- Economic Benefits – The new jobs that would be created are welcomed, but not at any price or to the detriment of the amenities and quality of life of local residents and the environment...will the jobs created be local jobs and for people from outside of the local area?

5.20 Site Notice and Advertisement – A site notice was posted adjacent to the access to the site. A newspaper advertisement was published within the Easingwold Advertiser. Both the site notice and advertisement have expired without resulting in any representations being made.

6.0 Analysis

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

- (a) Location and principle of economic development
- (b) Design, scale and impact on the character of the landscape and surroundings
- (c) Ecology, biodiversity net gain, trees/hedgerows and green infrastructure
- (d) Climate change and carbon savings
- (e) Amenity
- (f) Designing out crime
- (g) Highway safety and accessibility/permeability/connectivity
- (h) Impact on public rights of way
- (i) Flood risk and surface water drainage
- (j) Contamination, pollution, water quality and air quality
- (k) RAF aerodrome safeguarding
- (l) Impact on the settings of heritage assets (including conservation areas, listed buildings and scheduled monuments)
- (m) Economic impacts

Location and principle of economic development

Summary of the 'Sustainable Development Principles' of the Local Plan

- 6.2 Policy S1 (Sustainable Development Principles) sets out the ways in which the Council will seek to achieve sustainable development and sets out the Council's expectations for all development in the District. Development shall ensure that it makes a positive contribution towards the sustainability of communities, environmental enhancement and climate change adaptation/mitigation by achieving the seven objectives. Of particular relevance, is objective (d) which seeks to 'promote Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy. Increases in noise and pollution from increased vehicle/HV movements will damage the environment, wildlife, countryside and village life/tranquillity.
- 6.3 In order to meet this objective and the Council's aspiration for Hambleton to be 'a place to grow', Policy S2 (Strategic Development Needs) states provision is made within the plan period (2014-2036) for approximately 77.8ha of employment land (approximately 220,000 sq.m. of floorspace) Policy S3 (Spatial Distribution) sets out the spatial development strategy and identifies where (in terms of locations and settlements) the focus for economic development within Hambleton will be:
- a. Northallerton and Thirsk, where development will benefit from and support the wide range of services and facilities and good transport connections of these two main towns;
 - b. Key employment locations within the central transport corridor, in order to provide opportunities for expansion and inward investment along the strategic (A1/A19) transport corridor;
 - c. The market towns of Bedale, Easingwold, and Stokesley and large villages, defined in the settlement hierarchy as Service and Secondary Villages, commensurate with their size, character and the concentration of services and facilities in these locations and their role in providing services to residents of other nearby communities; and
 - d. Identified rural communities, defined in the settlement hierarchy as Small Villages, where limited development will be supported to help address affordable housing requirements and where development can support social and economic sustainability.

Dalton Airfield Industrial Estate, the DAL1 allocation and surrounding developments is within an area of existing and proposed economic development located within the strategic A1/A19 transport corridor referred to in (b) of S3 as underlined above. Therefore, although the application site is not on an allocated economic site within the Local Plan, it is nevertheless in a location identified in the location plan for strategic economic development due to its location in close proximity to the national road network.

Summary of the 'Supporting Economic Growth' (EG) Policies of the Local Plan

- 6.4 Sitting below the relevant Strategic Policies are the eight Supporting Economic Growth (EG) policies of the Hambleton Local Plan. Policy EG1 (Meeting Hambleton's Employment Need) confirms that in order to deliver sustainable economic growth within the district and meet the need for employment land identified in Policy S2, the Council will support development on sites on specific allocated employment sites 'Strategic Locations', 'Market Towns' and the former prison site in Northallerton. 'DAL1' (Extension to Dalton Industrial Estate, Dalton) is identified within the policy as one of three of the 'Strategic Locations' allocations within the Local Plan along with Leeming Bar ('LEB3') and Sowerby Gateway ('TIS3'). Therefore, as a non-allocated site, the application site is not supported by Policy EG1 of the Local Plan.
- 6.5 While the purpose of Policy EG1 is to identify new sustainable economic development sites and support appropriate new sustainable development in these locations through site allocations, Policy EG2 in contrast seeks to protect and improve areas of land and buildings currently in employment use. Policy EG2 therefore identifies several existing 'Key Employment Locations'. These are recognised as prime business locations, employing significant numbers of people and are characterised as areas where businesses are already located together. Along with allocated sites, 'Key Employment Locations' are to be the main focus for employment development in the district during the plan period. Proposals for R&D, products/processes development, industrial processes, general industrial and storage and distribution uses are supported within designated Key Employment Locations, while offices may also be acceptable.
- 6.6 In addition, Policy EG2 has identified 'General Employment Locations' which are also to be the focus of employment-generating development, along with site allocations and 'Key Employment Locations'.
- 6.7 Policy EG2 also supports development involving 'non-designated' existing employment sites through their expansion, intensification, upgrading or redevelopment. However, new employment-generating uses will only be supported by Policy EG2 within the built form of 'defined settlements' (i.e. within the settlement hierarchy of Policy S3), although Policy EG7 does provide some exceptions (see below).
- 6.8 The adjacent Dalton Old Airfield Industrial Estate (both existing and allocated) is identified within Policy EG2 as a 'Key Employment Location' and recognised within the Local Plan as an employment area that supports a range of employment uses, including some retail issues, and benefits from a good location closed to the strategic road network and Northallerton. However, as mentioned above, the application site is sited adjacent to but outside of Dalton Old Airfield Industrial Estate with only the access zone of the proposed development within the DAL1 allocation. Furthermore, the application site is not a site of an existing business or another designated employment site as identified within the Local Plan (e.g. a General Employment Location). As such, there is no material support within Policy EG2 for the proposed development in this location.

- 6.9 Lastly, Policy EG7 (Businesses in Rural Areas) states that employment generating development will only be supported outside of the main built form of a 'defined settlement' in four scenarios as summarised below:
- (a) The expansion of an existing businesses that cannot be accommodated within the existing site
 - (b) The re-use (conversion) of an existing building
 - (c) A new building that is well-related to an existing rural settlement where it cannot be located within the built form of a settlement or an identified employment location.
 - (d) Proposals requiring a countryside location.
- 6.10 In terms of Policy EG7, the application is outside of the main built form of a settlement. Dalton village is the nearest settlement, but due to the location and distance involved, it cannot be concluded (for the purposes of Policy EG7) that it is within the main built form of the village or well-related to it. In respect of the economic uses of the proposed development, the industrial and storage and distribution uses are not uses that require a countryside location. Furthermore, the proposals do not constitute the expansion of an existing business and does not propose the re-use of any existing buildings on site, with all the existing on-site buildings proposed to be demolished. As such, the proposal is not supported by Policy EG7.

Location of the application and material considerations

- 6.11 As explained above, although the application site is located within the A19/A1 corridor, which is an area recognised within the strategic policies of the Local Plan as being an area of strategic economic growth for the district, there is no site-specific support for the new development proposed within the outline application with regards to the 'EG' policies of the Local Plan (i.e. EG1, EG2, and EG7) Therefore, approving outline planning permission would not be supporting by the specific economic (EG) policies of the Hambleton Local Plan, it is important to consider whether the location of the site and the character and planning history of its immediate surroundings is a material planning consideration that should be given weight in the decision-making process.
- 6.12 The application site is located to the north, and close to, the Dalton Old Airfield Industrial Estate (identified/designated within the Local Plan as a 'Key Employment Locations') which contains a range of industrial and warehouse buildings of various sizes and designs, although the majority are large units of over 1,000 square metres. More recent additions include the Inspired Pet Nutrition (IPN) and National Tube Stockholders (NTS) buildings sited due south of the site. Furthermore, as detailed within sections 1 and 2 of this report, the 'DAL1' site allocation within the Local Plan wraps around the application site with only a small part of the south-eastern boundary of the site not adjoining the allocation with an extant outline planning permission for industrial and storage and distribution uses having already been granted on a site consisting of parts of the allocation immediately to the north and west of the application site (i.e. the 'Dalton 49' development). In addition, there is an extant 'full' planning permission on part of the DAL1 allocation to the east of the site comprising of a mill and a warehouse building, with the approved mill building in particular being of a significant height (approximately 34m) Therefore,

although the application site currently contains agricultural building within the middle of what is currently largely greenfield land, it's evident that due to the DAL1 allocation and extant planning permissions, the existing greenfield land surrounding the application will, in the near future, contain large industrial/commercial buildings, essentially increasing the extent of Dalton Old Airfield Industrial Estate further north and westwards to the boundaries with Dalton Lane and Eldmire Lane respectively.

- 6.13 The retention of the application site as a partial agricultural site would therefore be something of a local land use anomaly within this context, surrounded on all sides by established and proposed industrial development. While access to the agricultural site would remain, the continued use of the site for agriculture purposes becomes less sustainable in this location due to a lack of compatibility with the surrounding commercial land uses, particularly if, as would be likely given the site's last operational use and relatively small size, the agricultural use would involve the housing of livestock.
- 6.14 Furthermore, the approval of the site for industrial and/or storage and distribution uses would dovetail well with the same and similar commercial uses provided for by the DAL1 allocation and approved as part of the 'Dalton 49' and mill building schemes and would be complementary to the existing commercial uses within the Dalton Old Airfield Industrial Estate. It is understood that the application site has recently been purchased by the owners of the adjacent land that has the benefit of hybrid planning permission for the Eldmire Lane site access and B2, B8 and E(g)(iii) commercial uses, and while the application site and the 'Dalton 49' site would be subject to separate planning permissions, there would be a clear possibility (at the respective reserved matters stages) to design, layout and landscape development on both sites that would be complementary, rather than having to design a scheme based on having to (at least in part) mitigate potential visual and amenity impacts resulting from the relative incompatibility of the respective land uses.
- 6.15 It is important to clarify again that the Town and Country Planning Act (1990) and the Planning and Compulsory Purchase Act (2004) require planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In the case of this Council, the current Development Plan consists of the Hambleton Local Plan (and Proposals Maps) and any relevant adopted Neighbourhood Plans. As explained above, there is no support within the specific economic policies of the Local Plan for the approval of the proposed industrial and storage and distribution uses on this site as detailed within this planning application. As such, approving the application in this context would represent a departure from the requirements and expectations of the 'EG' policies of the Hambleton Local Plan, although it is recognised that there is general, non-site-specific support with the strategic policies of the Local Plan for economic development in this general area known as the 'A19/A1 corridor.
- 6.16 Despite the clear conflict with the specific 'supporting economic growth' ('EG') policies of the Local Plan, planning law requires a consideration of whether there are any relevant material considerations that means that the application should be determined other than in accordance with the requirements and expectations of the Development Plan (i.e. the Local Plan in this case). In this regard, paragraph 7.9 of the Supporting Statement concludes that,

“any degree of partial non-conformity given the unallocated and therefore countryside location of the site, is outweighed by the material consideration in this particular case of the site being surrounded entirely by existing industrial development and land allocated and approved (or under construction) for industrial development in this strategic employment location.”

- 6.17 The compatibility and potential ‘dove-tailing’ of the proposed development of the adjacent hybrid planning permission (in contrast to refusing planning permission and retaining the site for agricultural use) would facilitate a much more sustainable and effective use of the site, which would reflect the expectations within Section 2 (Achieving sustainable development) relating to the presumption in favour of sustainable development (para.10) and positively pursuing sustainable development through economic, social and environmental objectives. The economic and environmental objectives are of particular relevance to the current application:
- economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
 - environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.18 Paragraph 2 of the NPPF states that the NPPF is a material consideration in planning decisions. Therefore, because the proposals would represent a more sustainable form of development than the site’s current agricultural use (based on the economic and environmental objectives of Section 2 of the NPPF) the proposed use of the site for industrial and storage and distribution purposes is considered to be acceptable, despite having no support within the supporting economic growth’ (‘EG’) policies of the Local Plan.

Design, scale and impact on the character of the landscape and surroundings

- 6.19 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the following requirements of Policy E1 (amongst others): Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site...consistent with high quality design and the protection of local character and amenity (criterion h.), echoing the requirement within S1 (criterion a.) to make effective and efficient use of land.

- 6.20 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.
- 6.21 The appearance of the development is not a matter for approval as part of this outline planning application. This will be submitted for approval by a Reserved Matters application. The precise height of the buildings to be developed on this site is not known at this outline planning stage, although the submitted Parameters Plan' proposes a buildings of up to 18 metres in height. The matter of height will be subject to approval at reserved matters stage based on a 18m maximum. It is therefore anticipated that the buildings would be broadly of a similar scale as those already within the Dalton Old Airfield Industrial Estate (including the adjacent Wagg/IPN and NTS buildings) and considerably lower in height than the feed mill buildings to the east to be built by l'Anson which is understood to be approximately 34m in height. It should also be mentioned that the approved height parameter for buildings on the adjacent scheme within the DAL1 allocation (as granted by the aforementioned hybrid planning permission on land to the west of the site) is also 18 metres, and I therefore likely to be a similar scale, although it is noted that the Council would be encouraging the developers of that site is consider buildings lower in height than the maximum allowed by the approved parameter. Nevertheless, with large existing and approved (extant) commercial buildings of similar scale and character located to the south-west and east of the application site, it's evident that a building of the broad scale proposed would not be incongruous and visually dominating within this context, despite its out-of-settlement and rural locale.
- 6.22 In terms of building design and external materials, the precise external finishes of the building(s) would be agreed as part of any subsequent reserved matter application. However, in terms of the design concept, it is stated within paragraphs 6.30 and 6.31 of the submitted Supporting Statement that,

"The development will constitute high quality design in its layout, appearance and landscaping. The design will respond to the existing (and emerging) character of development around the site, whilst being softened by landscape planting. The development will be delivered using appropriate sustainable materials and construction methods."

"The design will seek to deliver an efficient and effective layout and premises that is attractive to modern business occupiers, accessible to all and that creates a safe and secure environment. It will incorporate energy efficiency and/or renewable generation measures as appropriate."

This is considered a reasonable and accept design approach to the design and appearance of the development which can be followed through as part of the reserved matters.

- 6.23 In terms of lighting, the Design and Access Statement confirms that extern lighting would be designed to not spill out from the site. It is recommended that an external lighting strategy is required by condition if outline planning permission is approved.

Ecology, biodiversity net gain, trees/hedgerows and green infrastructure

- 6.24 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.).

- 6.25 An Ecological Impact Assessment Report (Ec.I.A.) has been submitted with the application. It confirms that a BNG can be achieved for the site by providing areas of species rich grassland. The provision of any SuDS basin features would also be beneficial for ecology/biodiversity. A sensitive lighting scheme (to mitigate the impact on bats) is also recommended, as well as the provision of bat boxes. Barn owl mitigation is also recommended, as is mitigation for the loss of bird nesting and foraging habitat. These recommendations (included within the Ec.I.A.) can be conditioned if outline planning permission is granted, along with the provision a Construction Environmental Management Plan (CEMP). Biodiversity Net Gain should be secured through condition if outline planning permission is approved. The landscape proposals would help to ensure the development is an attractive place to visit, has a sense of place, and is well-integrated into the local context, as well as improving green infrastructure and promoting biodiversity, but the precise details would be agreed through reserved matters. The proposal would therefore comply with Policy E3, E4 and E7 of the Hambleton Local Plan.

Climate change and carbon savings

- 6.26 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.

- 6.27 The proposals are for outline planning permission so the layout of the site and the design, materials, installations and orientation of buildings would need to be agreed at reserved matters. However, it is referred to within the application documents that electric vehicle charging points would be installed and a range of sustainability measures considered within the design and layout of the scheme. It is important that if outline planning permission is granted that the permission is conditioned to require specific requirements and details for energy efficiency and renewable energy generation to be met. On this basis, the proposals are considered to be capable of complying with the requirements of policies S1 and E1 in respect of adapting to and mitigating the effects of climate change.

Amenity

- 6.28 Policy E2 (Amenity) expects all proposals 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, ensuring that (inter alia):

- adequate availability of daylight and sunlight for the proposed use
- the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;
- there are no significant adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations, including internal and external levels, timing, duration and character;
- that adverse impacts from air pollution, contamination, dust, obtrusive light, odour,
- overheating and water pollution are made acceptable.
- adequate and convenient provision is made for the storage and collection of waste and recycling.

Where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.

- 6.29 Likewise, criteria (c) of Policy E1 (Design) states that the design of new development shall achieve a satisfactory relationship with adjacent development and does not have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.
- 6.30 It is stated within the application that it is the intention of the proposed development to be capable of operating 24 hours a day 7 days a week. Although this can provide

flexibility in terms of the operation of future on site business(es) but creates a difficulty in securing a reasonable level of mitigation across the site and in relation to adjacent businesses/commercial uses.

- 6.31 The application within a semi-rural location, not within or immediately adjacent to any settlement, and there are limited properties within the immediate area of the development site. The proposed B2, E.g (iii), and B8 uses have the potential to generate noise, vibrations and odour and disturbance from general activity and traffic movements. However, any additional impacts have to be considered within the context of the site's immediate surroundings with a range of large-scale industrial and commercial operations taking place on the Dalton Old Airfield Industrial Estate to the south, the mill development to the west and similar industrial and storage and distribution uses approved on the land to the north as part of the 'Dalton 49' development. There is also background noise due to the site's close proximity to the strategic road network. The impact upon the on the area is not considered to be significantly different and the scale and nature of the proposed development would not, within the above context, be significantly or unacceptably harmful to the character or general amenity of the area.
- 6.32 A Noise Assessment (NA) (dated 6 May 2022) has been submitted with the application. The NA identifies the proposed development as 'Dalton New Bridge – Phase 2', differentiating it from the hybrid scheme which it identified as 'Phase 1'. The assessment considers the noise impact associated with the operational phase of the proposed development, together with cumulative impacts associated with Phase 1 approved development, on existing noise sensitive receptors in accordance with relevant planning policy and British Standards (BS). The results of a noise survey (December 2020) have been used to support the assessment, The NA also includes the findings of the assessment and recommended mitigation measures and has been based on predominantly B2 and B8 uses operating on a 24/7 basis.
- 6.33 The results of the assessment indicate an adverse noise impact, however, when considered in context of the surroundings, the impact (subject to appropriate mitigation and design, see below) may be considered to be 'Low'. Furthermore, it should be acknowledged that the development is likely contain Class E(g) use, or more B2 use than what has been assumed, and therefore actual impact is likely to be less than set out in the assessment. However, based on the noise that would be associated with the potential industrial operations on site, the assessment recommends a 3m acoustic screen along the northern boundary of the site and a 2.4 acoustic screen along the western boundary to mitigate noise from industrial/commercial processes, although this is a requirement (as conditioned) for the hybrid permission. Other recommendations relating to the design and layout of the proposed scheme are also recommended including minimum sound insulation for the facades of units and the specification and siting of any plant. These design and layout considerations should be taken into account at reserved matters stage.
- 6.34 The Environmental Health Officer has advised that there is potential for this development to have an adverse impact through noise on nearby residents at Dalton Bridge Park, especially so given the industrial nature and location of the development where noise creep could be an issue. The applicant has asked for no restriction on operating times with the potential for operations 24 hours a day, seven days a week. Therefore, EH have recommended that if planning permission is

approved, relevant conditions should be applied that requires the carrying out and submission to the LPA of a noise impact assessment prior to the commencement of the development in relation to the nearest noise sensitive receptors, and the submission and approval of a demolition and construction plan including measures to mitigate emission of noise, lighting, dust and vibration from the site during the construction phase of the development. It is recommended that the conditions recommended by EH (as summarised in para. 5.11 above) are imposed to the outline planning permission if Members resolve to approve the application.

- 6.35 Any Reserved Matter application(s) would need to provide greater detail on the resultant layout and design of the site, particularly with regards to noise mitigation. However, it is considered the overarching principle of development is acceptable and that providing appropriate conditions are attached to the outline permission, the proposals provide for a balanced approach which would help to achieve the delivery of this employment allocation, maintain flexibility in terms of operation and provide suitable and appropriate protections to ensure that there would be no significant or unacceptable impact on the amenities enjoyed by local residents.
- 6.36 As is clear from the representations submitted from Topcliffe Parish Council and local residents since the October Planning Committee Meeting, there is significant concern from local residents about the impacts on amenity in particular resulting from HGV movements through the villages of Topcliffe, Dalton and Asenby. While a significant proportion of the representations refer to existing issues experienced by local residents due to HGV movements, nevertheless a large number of responses have also raised concerns about the additional impact on amenity from any further HGV movements, including noise, odour, air pollution, safety and the general tranquillity of the settlements affected. It is therefore important to ensure that HGV routes and appropriate signage are agreed in consultation with the Local Highway Authority and secured as part of a Section 106 agreement to ensure that the impacts on local residents are avoided as much as possible. The agent has also confirmed that the applicant would be willing to fund a HGV camera monitoring system in order to help monitor and enforce any breaches of the agreed HGV routes, although their financial outlay would only be for the provision an installation of the system only and not for any ongoing operational an maintenance costs. The Local Highway Authority have been asked whether they would be able to fund any maintenance and operational costs, however are yet to respond. Providing an in principle agreement for future operation and maintenance costs can be agreed, the provision of a camera system can be secured as part of a Section 106 agreement, although given the Local Highway Authority's positive recommendation without the camera system, the camera system is not considered to be necessary to make the development acceptable in highway and amenity terms.. Members will be updated via the Update List or at the Meeting of any reply from the Local Highway Authority in this regard, and if future funding can be secured in principle, a camera monitoring system could be secured via a Section 106 agreement.
- 6.37 The proposed development would therefore be in accordance with Policies E1 E2 of the Hambleton Local Plan.

Designing out crime

- 6.38 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.)

- 6.39 The Police Liaison 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 outline planning permission is granted, then the recommendations within the report should be taken into consideration at reserved matter stage. This can be a conditional requirement of this outline permission.

Highway safety and accessibility/permeability/connectivity

- 6.40 Policy IC2 (Transport and Accessibility) states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will therefore only be supported where it is demonstrated that (*inter alia*):

- It is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport;
- Where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
- It seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options
- Any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England (now National Highways);
- Highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
- Adequate provision for servicing and emergency access is incorporated; and
- appropriate provision for parking is incorporated,
- Account shall be taken of highway safety and access to, from and in the vicinity of the site; the accessibility of the development to services and facilities by walking, cycling and public transport; the needs of potential occupiers, users and visitors, now and in the future and the amenity of existing and future occupiers and users of the development and nearby property.
- Where a travel plan is required it should set out measures to reduce the demand for travel by private car, air pollution and carbon dioxide emissions from transport, and encourages walking, cycling and other sustainable travel options.
- All routes within development will be provided to an adoptable standard.

- 6.41 The above policies are consistent with chapter 9 of the NPPF which also promotes sustainable travel. Paragraph 110 of the NPPF also sets out that safe and suitable access should be achieved and any significant impact any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The

NPPF further states at paragraph 111, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.42 Included within the outline proposal is the new junction access onto Eldmire Lane that was approved 'full' planning permission as part of the approval of the hybrid planning application on the DAL1 allocation to the west. It was always the intention that this new access would serve both the 'Dalton 49' development and the application site, albeit as an agricultural site. The proposed industrial and storage and distribution use would however result in an intensification of use of this junction. Having been consulted on both the hybrid and current applications, the Local Highway Authority have raised no objections to the creation of the new access, subject to appropriate visibility splays (160m to the south and 90m to the north) being created and retained. This can be required by condition should outline planning permission be approved.
- 6.43 A Framework Travel Plan (FTP) (dated January 2021) has been submitted with the outline application which outlines a range of measures to encourage sustainable travel patterns and reduce traffic impact, as well as details of a monitoring strategy of the Travel Plan measures. It is stated that a 'full Travel Plan will be produced prior to the occupation of the site.
- 6.44 The site is located within the area identified as the strategic A1/A19 transport growth corridor, as well as the Dalton Old Airfield Industrial Estate. However, despite this, the site is located within a relatively rural location where (as acknowledged within the Transport Assessment and Framework Travel Plan) there is limited pedestrian and cycle infrastructure within the vicinity of the site or links to public transport services, although the internal layout can provide an appropriate provision of pedestrian infrastructure with potential links to the DAL1 allocation. In relation to the hybrid application, the Local Highway Authority advised that the provision of a suitable and illuminated route for pedestrians would require significant works and perhaps only have a very limited uptake. However, nearby residential areas likely to be accessible by cycle via road routes and the National Cycle network route 657. Secure cycle parking and facilities for cyclists should be incorporated within reserved matters applications, and it is recommended that any outline permission granted is conditioned to ensure that this is provided for in the design and layout of the scheme.
- 6.45 The FTP recommends the appointment of a designated Travel Plan Co-ordinator (TPC) with the responsibility for the development and implementation of the Travel Plan. Furthermore, the FTP includes a range of physical measures and measures to encourage sustainable travel, including the provision of a travel notice board, travel information pack, motorbike/cycling park, promotion of car share scheme and flexible working hours to reduce reliance on the car and/or reduce the volume of traffic during peak hours. Should outline planning permission be granted, a detailed Travel Plan (based on the FTP submitted with this application) would need to be required via planning condition.
- 6.46 As stated above, existing bus services are limited in this area, however it was acknowledged by Officers and the Local Highway Authority during the consideration of the hybrid application on the land to the west and north that there is scope within

to extend the existing bus service from Northallerton to that site, with provision made (in relation to that approved development) for funding for the diversion of the no.70 bus service to the site (from its current route at Topcliffe) and the introduction of a morning service from Northallerton.

- 6.47 As acknowledged by Officers within the report for the hybrid application, the provision of this bus service would be beneficial from the start of that development in order to encourage change in travel behaviour. However, this would need to be balanced against a reasonable amount of development having occurred to ensure that there are sufficient employees at the site. The Local Highway Authority also accepted (during the hybrid application) that use of this existing service may not be most successful way to achieve more sustainable forms or transport and specifically a reduction in private car usage. If a large number of employees have work times outside the typical work start and end times that cannot reasonably be covered by the existing bus service, diversion of 70 Service would have limited benefit.
- 6.48 Based on the recommendations and requirements of the Local Highway Authority, a Section 106 agreement was agreed and signed in relation to the hybrid application which required the following: a goods vehicle routing plan and Drivers Code of Conduct, an enhancement of accessibility by public transport or private shared transport; Travel Plan monitoring fee; a routing plan and driver code of conduct for future occupiers, and full payment for the costs of the proposed signage and its installation. Since the publication of the October 2022 Planning Committee agenda, the Local Highway Authority have confirmed that on reflection they consider that it would be appropriate to secure the cost of monitoring the Travel Plan and a proportion of the cost of enhancements to the bus service from the applicant (via Section 106 agreement, if outline planning permission is approved) This matter, including details of the financial contribution involved, is currently being clarified with the Local Highway Authority and Members will be updated on the outcome between Officers, Local Highway Authority and the agent in this regard in the Update List or at the Meeting, as appropriate.
- 6.49 However, given the rural nature of the site, car use and car parking for employees will be an inevitable requirement. The FTP and TA state that car parking provision alongside electric vehicle and cycle parking will meet the standards outlined in North Yorkshire County Council's (NYCC) document "NYCC Interim Parking Standards 2015" or subsequent adopted standards and those full details will be provided at the reserved matters stage. The indicative site plan does show the provision of areas of car parking, and a requirement on the application will be conditioned in relation to the provision of a scheme for electric vehicle charging.
- 6.50 The traffic movements generated from the site have been considered within the submitted Transport Assessment (TA) (dated May 2022) and the subsequently submitted Highways Technical Note (dated 24.08.2022) Although National Highways had initially issued a holding objection to the application, this has since been removed following the National Highway's consideration of the information within the Highways Technical Note, confirming that they were satisfied that the development could be accommodated within the existing network.

- 6.51 The precise parking provision and layout would be agreed at the reserved matters stage, although there is sufficient space within the application site to accommodate NYCC's the minimum parking standards for the proposed development.
- 6.52 Overall, the cumulative impacts on the highway network would not be severe and the proposed development satisfactorily provides additional mitigation and enhancements to accessibility (including appropriate types of non-car modes of transport) to comply with the requirements and expectations of Policy IC2 of the Local Plan and chapter 9 of the NPPF.

Impact on rights of way

- 6.53 Policy IC3 (Open Space, Sport and Recreation) states that a proposal will be supported where it is demonstrated that the routes of any PROW(s) and their amenity value will be protected., or if this is not possible, the affected routes diverted with no loss of recreational amenity value.
- 6.54 Having consulted with NYCC'S definitive map, there are no public rights of way routes that wither cross the site or are located adjacent to its boundaries, with the nearest PROWs being some distance to the east and west within the settlements of Dalton and Topcliffe respectively.

Flood risk and surface water drainage

- 6.55 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas, where possible, by applying the sequential test and where necessary applying the exception test in accordance with national policy...(criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-off as part of new build developments (criterion d.) Policy RM2 further states that these aforementioned requirements will be achieved by supporting proposals only where it is demonstrated that, amongst other matter, sustainable drainage can be achieved.
- 6.56 The application site is located within Flood Zone 1 and therefore at the lowest risk of fluvial flooding. According to the EA's Surface Water maps, the site is not at risk of surface water flooding or from other sources of flooding. The application was submitted with a Flood Risk Assessment and Drainage Strategy (V.1). The Lead Local Flood Authority have been consulted on the application and having considered the application (including the FRADS) originally raised some matters to be addressed. The agent subsequently submitted a revised FRADS. Due to the unsuitable ground conditions for infiltration/soakaway use, the surface water drainage strategy detailed within the revised FRADS proposes to discharge surface water to Cod Beck via the existing surface water drain at a restricted rate (9.5l/s), with on-site attenuation (i.e. open basins and, if required, subterranean pipes/tanks) to be provided. Having considered this, they have subsequently confirmed that they have no objections, subject to the conditions mentioned above in para.5.6. The development proposes a satisfactory drainage strategy, with additional detail and information required able to be provided via the reserved matters application or conditions

- 6.57 The proposed development therefore conforms to the relevant parts of Policies RM1, RM2 and RM3, and the policies set out in Chapter 14 of the NPPF on meeting the challenge of climate change and flooding.

Contamination, groundwater and air quality

- 6.58 RM4 sets out the Council's approach in relation to how development proposals affect and are affected by air quality. RM5 identified the Council's approach in relation to ground contamination and groundwater pollution.
- 6.59 A Phase 1 Desktop Study Report has been submitted in support of the above development. Having considered the Phase 1 survey, Environmental Health have recommended further investigation. Conditions have been attached to secure a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment and any remediation of any contamination on the site. The site is not located within an Air Quality Management Area (AQMA) although a Air Quality Assessment has been submitted with the application No concerns have been raised by statutory consultees in this respect. Therefore, the proposal would accord with the aims of RM4.
- 6.60 Foul drainage is proposed to be dealt with on-site, via a package treatment plant. Further clarification is being sought from the agent regarding why a non-mains means of foul drainage is proposed over and above the details provided within the submitted application documents. Members will be updated on this matter before the Committee meeting.

RAF aerodrome safeguarding

- 6.61 Policy E2 requires consideration to be given to the consideration of development on designated areas such as the MoD's aircraft safeguarding zones. In their response, the MoD have recommended measures with regards to the landscaping, SuDs and gull prevention. This can be ensured through conditions and the reserved matters application.

Impact on the settings of heritage assets (including conservation areas, listed buildings and scheduled monuments)

- 6.62 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.

- 6.63 There are no recorded designated heritage assets that fall within the site boundary. The development will have potential to impact upon the setting to one designated heritage asset, this being the Scheduled Monument Maiden Bower and Cock Lodge, located approximately 350-400m southwest of the site
- 6.64 National policy guidance makes it clear that Scheduled Monuments are regarded as being in the category of designated heritage assets of the highest significance where substantial harm to their significance should be wholly exceptional. There are two sections of Maiden Bower and Cock Lodge: a motte and bailey castle, moated site, windmill mound and associated linear outwork within 700 metres of the western boundary of this site.
- 6.65 The significance within the setting to the scheduled monument principally relates to the interrelationship of the various elements comprising the monument, which evidence Norman and medieval settlement and agricultural activity, and to the relationship with the Swale and Cod Beck water courses. The elevated position of the monument commands extensive views across the wider landscape which will take in the site, although the site itself is distinct from the character of the retained landscape to the west of Eldmire Lane.
- 6.66 Similar to the adjacent 'Dalton 49' proposed development, the site is viewed in the context of the wider industrial estate and the buildings constructed within it and given the distance of separation; it is considered that the development would have no material visual impact upon the setting to the monument, particularly given the approved surrounding and intervening industrial land and buildings. In this context, development is not considered to have a harmful impact on the visual openness of the setting to the Maiden Bower and Cock Lodge scheduled monument, particularly given the mitigating impact of associated landscaping.
- 6.67 Therefore there would be no impact from the proposed development on the setting of any heritage assets and the proposed development would be in accordance with policies S7 and E5.

Economic impacts

- 6.68 The NPPF makes clear that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.69 The NPPF also states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 6.70 As the neither occupier businesses, nor the exact scale and nature of the development, are yet known, it is not possible to be precise about the number of jobs opportunities that may be created by the development. However, based on the size of the site, over 100 jobs would likely be created on site. Furthermore, significant additional employment and local trade opportunities will be generated by the construction phase of the development. The development will also generate

wider economic benefits through supply chains and wage expenditure in the local market. The creation of employment opportunities constitutes a major socio-economic benefit as it contributes to reduced unemployment, enhanced skills and training, job progression, improved health and reduced deprivation. Major employment development also assists in supporting and safeguarding public services through increased tax revenues that may be retained locally. The proposed development would comply with the relevant strategic objectives of Policy S1 in helping to generate sustainable economic growth.

Planning balance and conclusion

- 6.71 The proposed development, although not supported by the specific economic policies of the Hambleton Local Plan, is within A19/A1, an area identified within the Hambleton Local Plan for strategic economic growth. The location of the site surrounded by existing, approved and allocated economic development is an important material consideration in considering the location of the proposed development, as is the economic and environmental objectives of the NPPF. The proposals would have important economic benefits and would be complementary to the existing economic land uses in this location. With the exception of the aforementioned 'EG' policies, the development is considered to meet the expectations of the relevant policies of the Local Plan and NPPF, subject to appropriate planning conditions. Based on this it is recommended that outline planning permission is granted, subject to the conditions in section 7 ('Recommendations') below.

7.0 Recommendation:

- 7.1 It is recommended that outline planning permission is **Approved**, subject to (A) the completion of the s106 agreement and (B) the following condition(s):

(A.) Recommended Section 106 Matters:-

1. Travel Plan and Monitoring
A fee payable to NYCC to monitor the introduction/implementation of the Travel Plan. The fee is to be agreed with the NYCC. The Section 106/Travel Plan shall include details of a Car Share Scheme.
2. Traffic Monitoring Camera System
Providing the future operational and maintenance costs can be secured (with the Local Highway Authority), a financial contribution from the applicant for the installation of a traffic camera system within Topcliffe Parish to monitor HGV compliance with relevant road restrictions.
Routing Plan/HGV Management Plan

3. The applicant and any successors to the land shall agree to a routing/HGV management plan for all Goods vehicles accessing the site. The routing/management plan shall include the following:
- Compliance with existing weight restrictions on the local road network, at the A167, Long Street and Dalton Lane with Goods vehicles arriving and leaving via the A168 and not travelling through Asenby, Topcliffe and Dalton villages, unless the origin or destination of the trip is from within the areas where the weight limits in place for these villages cover
 - A requirement to compel all end users (occupying the premises) of the site to sign up to the above routing arrangements for Goods vehicles.
 - A Drivers Code of Conduct allowing the land owner and/or site operators to enforce the agreed routing arrangements and to provide procedures relating to monitoring, recording breaches and sanctions.
 - A mechanism to inform off-site regular deliveries of the requirements.
 - The routing plan shall also include a map of routes/ restricted routes/ weight restrictions / TRO's etc. and shall include information in relation to recommended routes to petrol stations, rest stops, holding areas suitable for HGVs avoiding Asenby, Topcliffe and Dalton which shall be made available for all staff and regular visitors.

Signage

4. Unless all necessary signage has already been secured and/or implemented as part of the adjacent hybrid planning permission, a fee is to be provided to NYCC to facilitate the procurement, installation, and maintenance of the approved signage in accordance with an agreed timetable. Agreement of any required signage scheme including design/specification, programme/ timescale, safety audit etc for upgrade of highway direction and weight limit signage.

Bus Service Contribution

5. A financial contribution towards bus service provision shall be payable to the County Council. The requirements and fee to be agreed with the NYCC.

(B.) Recommended Planning Conditions:-

1. Application for the approval of all the reserved matters shall be made to the Local Planning Authority not later than seven 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. ten 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. No development shall take place in any Phase without the prior written approval of the Local Planning Authority of all details of the following reserved matters for that Phase:

- i. Appearance.
- ii. Landscaping.
- iii. Layout.
- iv. Scale.

Thereafter the development of that Phase shall not be carried out otherwise than in strict accordance with the approved details.

3. Prior to the commencement of the development hereby permitted a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority providing the development is to be undertaken in more than one phase. Thereafter each Reserved Matters application for a Phase shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved by this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated unless otherwise agreed in writing with the Local Planning Authority or required by other conditions of this permission.

4. The Reserved Matters applications for each phase of the development shall be submitted in substantial accordance with the approved Parameters Plan Dwg No. 2019-062-062 Rev.D.

5. The access road and associated works shall be laid out and undertaken within the area identified as the Access Zone on the approved Parameters Plan Dwg No. 2019-062-062 Rev.D.

6. The development must not be brought into use until the access to the site from Eldmire Lane has been set out and constructed in accordance with the approved proposed Access Layout Plan Dwg No. AMA/20573/SK006.6; the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The access as shown on Dwg No AMA/20573/SK006.6 must be formed with 20 metres radius kerbs, to give a minimum carriageway width of 7.3 metres at the access. Kerbing should be provided 3 metres beyond the radius on each side of the access and for a corresponding length opposite the access to form a minimum carriageway width of 7.3m on Eldmire Lane. That part of the access roads extending 10 metres into the site must be constructed in accordance with Standard Detail number E60 and the following requirements.

(a) Any gates or barriers must be erected a minimum distance of 17 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

(b) That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30.

(c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

(d) The final surfacing of any private access within 10 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

(e) Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

7. There must be no access or egress by any vehicles (associated with the development hereby approved) between the highway and the application site at Eldmire Lane until the following splays are provided;

(a) Splays giving clear visibility of 160m to the south and 90m to the north measured along the channel lines of Eldmire Lane from a point measured 4.5m down the centre line of the access road.

In measuring each splay, 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.

8. 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:

- (a) vehicular, cycle, and pedestrian accesses;
- (b) vehicular parking;
- (c) vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- (d) 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.

9. 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
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 and vibration;
13. details of the measures to be taken for the protection of trees;
14. details of external lighting equipment;
15. details of ditches to be piped during the construction phases;
16. a detailed method statement and programme for the building works; and

17. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

10. Prior to the submission of any subsequent Reserved Matters application(s) for any phase of the development a detailed design framework for site shall be submitted to and approved in writing by the local planning authority. The framework shall set out the overall vision and character for the development, and for each subsequent phase, and shall include how sustainability measures, including those contained within the submitted Design and Access Statement, Planning Statement Ecological Impact Assessment, will be incorporated into the development. The approved design framework shall be adhered to within the design, layout and landscaping details of any subsequent Reserved Matters application(s)

11. No development of any phase shall commence until a Construction Environmental Management Plan ("CEMP") for That phase has been submitted for the written approval of the local planning authority for each phase of the development. The CEMP must be available onsite for consultation by site operatives throughout the course of constructions works for each phase. The CEMP shall include best practice working methods for habitats and species and recommendations identified in the Ecological Impact Assessment. Once approved, development of each phase shall be undertaken in accordance with approved CEMP.

12. Prior to the completion of the relevant unit forming part of the development, details of Electric Vehicle Charging Points associated with that Phase or unit shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of charging equipment. The Electric Vehicle Charging Points associated with each unit shall be installed prior to the occupation of that unit as approved and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

13. Any application for reserved matters in relation to any phase of the development shall be accompanied by a plan showing provision of cycle parking and facilities for cyclists to use. Thereafter such provision shall be installed and made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

14. No individual plot shall be brought into use until the vehicle access, parking, manoeuvring, and turning areas approved above have constructed in accordance with the approved details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

15. The development must be carried out and operated in accordance with the approved Framework Travel Plan. Where the measures/action are identified as part of the site construction or to be agreed, further details shall be submitted for the written approval of the Local Planning Authority and once approved implemented in accordance with the agreed details. The Travel Plan shall also include the distribution of any Routing Plan and Driver Code of Conduct. Those parts of the approved Framework Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

16. Upon submission of any subsequent Reserved Matters application(s) for any phase(s) of the development a Landscape and Ecological Management Plan shall be submitted to

and approved by the Local Planning Authority for that phase. The Landscape and Ecological Management plan shall include (but is not limited to):

- i. The species mixes and structure for each landscape
- ii. The sizes, heights, and densities of plant species to be used for the different landscape and habitat types.
- iii. Timing of planting and delivery.
- iv. The management requirements (establishments and long-term management).
- v. Green Infrastructure links to any previously approved phase and any adjoining land already developed or with an extant/commenced planning permission.

The details of the Landscape and Ecological Management Plan shall be accounted for within the appearance/design, scale, layout and landscaping details of any subsequent Reserved Matters application(s). The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

17. Prior to commencement of any phase(s) of the development hereby approved a biodiversity scheme/biodiversity environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme/plan shall detail proposals for how the development will achieve a measurable net gain for biodiversity including on site provision for habitats, using Natural England's biodiversity metric 3.1 or if superceded, any subsequent version of the Natural England metric. The development shall thereafter be carried out in accordance with the approved details. The scheme/plan shall also provide details of the biodiversity and ecological protection, mitigation and enhancement measures as recommended and included within the Ecological Impact Assessment Report. All additional survey work recommended within the Ecological Impact Assessment Report shall be undertaken prior to the commencement of the development and any recommendations implemented.

18. The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall make provision for convenient and appropriately designed bin storage (including recycling) facilities for the approved dwelling. The details shall include scaled drawings and the external materials of any external bin storage facilities proposed.

19. No development of any phase shall be commenced until a Phase 2 assessment of the risks posed by contamination for that Phase, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

20. Prior to development of any phase, a detailed remediation scheme to bring the site of that phase 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) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall 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.

21. Prior to first occupation or use of any phase, 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.

22. Development of any phase of the development shall not commence (including the approved site access) until a scheme detailing surface water drainage in accordance with the as amended Flood Risk Assessment and Drainage Strategy (V.3 – August 2022) has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

The design of any attenuation pond, basin, swale or similar 'open water' SuDS features shall be designed to reduce their attractiveness as a habitat used by water fowl and other bird species in order to reduce the risk of aircraft birdstrike.

23. Development of any phase of the development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 9.5 litres per second for up to the 1 in 100 year event. An appropriate allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the

Development risk in accordance with policies RM2 and RM3 of the Hambleton Local Plan.

24. No part or phase of development shall take place until an appropriate Exceedance Flow Plan for the site incorporating that phase has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when drainage features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30-year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100-year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

25. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the approved point(s) of discharge.

26. Prior to the commencement of the development, measures to protect the public water supply and sewerage infrastructure that is laid within the site boundary shall be implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be

retained at all times. If the required stand -off or protection measures are to be achieved via diversion or closure of the water main or sewer , the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area , the approved works have been undertaken .

27. Prior to the commencement of any phase of the development, full details of the proposed means of disposal of foul water drainage for that phase, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no phase of development shall be occupied or brought into use prior to completion of the approved foul drainage works for that phase.

28. Prior to the provision of any water supply to any phase of the development hereby approved, written confirmation shall be provided to the Local Planning Authority that any new buildings shall meet Building Research Establishment Environmental Assessment Method (BREEAM) standards (or successor or equivalent standards) 'Good', with regards to water efficiency, as a minimum.

29. No phase of the development shall commence unless detailed cross sections showing the existing ground levels in relation to the proposed ground and finished floor levels for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

30. Prior to the phase of the development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development of that phase shall be submitted for the approval of the Local Planning Authority. The development of each phase shall be constructed in accordance with the approved materials for that phase.

31. Any subsequently submitted reserved matters application(s) shall be accompanied by details that show how 'Secured by Design' principles have been incorporated into the design of each plot having demonstrated how the recommendations and advice contained within the Designing Out Crime Report (dated 14 July 222) as submitted by North Yorkshire Police's Designing Out Crime Officer in relation to the outline application have been taken into account. The development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

32. The development shall achieve energy efficiency measures to provide at least 10% of the energy requirements of the development from on-site renewable energy generation or otherwise demonstrate similar energy savings through design measures. Prior to the occupation of any unit details shall be submitted to the Local Planning Authority which identify how this will be achieved. Once agreed the development shall be implemented in accordance with the approved details, and thereafter retained.

33. No external lighting shall be installed during the operational stages of any phase of the development, other than in complete accordance with a lighting strategy that has been approved in writing by the Local Planning Authority for that phase of the development. The scheme will include the approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, to maximise efficiency and

minimise light pollution. Unless otherwise approved in writing by the Local Planning Authority, all future replacement and additional external lighting shall comply with the approved lighting strategy.

34. No phase of the development shall commence until details relating to boundary walls, fences, and other means of enclosure for all parts of that Phase of the development have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the boundary walls, fences, and other means of enclosure for that phase have been constructed in accordance with approved details, which shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

35. No building or unit shall be occupied, where extraction equipment is required, until a scheme for the control of noise from ventilation, air extraction, heat pumps and heat exchanger units and other similar devices for that building or unit (where such devices are to be installed) has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved scheme shall be always implemented and devices shall be maintained in accordance with the manufacturer's specification.

36. All emissions to atmosphere resulting from any processes, plant, or activity shall be treated and discharged at a height, position and in a manner to the satisfaction of the Local Planning Authority. Details of these emission(s), odour impact assessments and the method(s) of odour abatement, treatment of the discharge shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of emissions and the development shall only operate in compliance with the approved details unless otherwise approved in writing by the Local Planning Authority.

37. Prior to the occupation of any building within any phase a Management Operating Plan relating to that part(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

(A) An assessment of the potential for sources of noise and disturbance likely to affect residential amenity in the area, and shall identify the following:

- i. noise levels from plant, machinery or equipment working in isolation and together;
- ii. hours of operation for the unit, including delivery arrangements, and anticipated shift patterns;
- iii. a waste management plan setting out how waste associated with the unit(s) will be stored and removed;
- iv. any outside maintenance and cleaning activities; and
- v. overnight parking requirements including refrigerated vehicle parking.

(B) If the details submitted under Part A indicate that the nature of the business operation is likely to affect neighbouring residential amenity then a detailed noise assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the unit(s). The detailed noise assessment shall include:

- i. an assessment of noise impacts in accordance with British Standard 4142 (BS4142);
- ii. a scheme specifying the provisions to be made for the control of noise, including any acoustic screening to plot boundary if required; and
- iii. it shall demonstrate that the rating level of the noise, corrected for acoustic features, measured at, or calculated to a position representing the nearest residential property does not exceed any respective background sound levels (L90) as set out and prior approved by the Local Planning Authority.

38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting those Orders with or without modification), development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping hereby approved shall not be used for any other purpose than those specified within the application description without the formal consent of the Local Planning Authority.

39. Prior to the submission of any subsequent Reserved Matters application(s) for any phase of the development a Bird Hazard Management Plan shall be submitted to and approved by the Local Planning Authority for that phase. The Bird Hazard Management Plan shall demonstrate, but not limited to, how the breeding of large gulls will be prevented within the site, including on any buildings. The details of the Bird Hazard Management Plan shall be accounted for within the appearance/design, scale, layout and landscaping details of any subsequent Reserved Matters application(s) The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

40. There must be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

The reasons for the conditions 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. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Development Framework Policy CP14. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Development Framework Policy CP1.
4. In order that the development is undertaken in a form that is appropriately based on the parameters and indicative nature of the development as set out in the relevant submitted application plans.
5. To ensure that the approved layout is able to provide a safe and adequate means of vehicular access to and from the site for the development hereby permitted in accordance with Policy IC2 of the Local Plan.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway user in accordance with Policy IC2m of the Hambleton Local Plan.

7. In the interests of highway safety and in accordance with Policy IC2 of the Hambleton Local Plan.
8. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development. in accordance with policies IC2 and E1 of the Hambleton Local Plan.
9. In the interest of public safety and amenity in accordance with Policies IC2 and E2 of the Hambleton Local Plan.
10. In order that the development is undertaken in a sustainable way, appropriate to the environment and the character and appearance of its surroundings, in accordance with policies S1 E1, E3, E4 and E7 of the Hambleton Local Plan.
11. In accordance with the objectives of sustainable construction and in the interests of ecology of the site, in accordance with Local Development Framework Policies S1, E1, and E3 of the Hambleton Local Plan.
12. In the interests of sustainable development and in accordance with Policies S1 and E1 of the Hambleton Local Plan.
13. In the interests of accessibility and sustainable development in accordance with Policies S1, E1 and IC2 of the Hambleton Local Plan.
14. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety, the convenience of prospective users of the highway, in accordance with Local Development Framework Policies S1, E1 and IC2 of the Hambleton Local Plan.
15. In the interest of accessibility and sustainable development in accordance with Policies S1, E1 and IC2 of the Hambleton Local Plan.
16. To protect and enhance ecology within the site in accordance with Policy E3 of the Hambleton Local Plan.
17. In the interests of achieving an appropriate net gain in biodiversity within the site, in accordance with Policy E3 of the Hambleton Local Plan.
18. To ensure that the development is designed to provide for sufficient and convenient bin storage facilities that respects the appearance of the development and its surroundings, as well as the amenities of residents, in accordance with policies E1 and E2 of the Hambleton Local Plan.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies E2, RM1 and RM5 of the Hambleton Local Plan.
20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies E2, RM1 and RM5 of the Hambleton Local Plan.

21. 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, in accordance with Policies E2, RM1 and RM5 of the Hambleton Local Plan.

22. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with policies RM2 and RM3 of the Hambleton Local Plan.

23. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere, in accordance with policies RM2 and RM3 of the Hambleton Local Plan.

24. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site in accordance with Policies RM2 and RM3 of the Hambleton Local Plan.

25. To prevent capacity issues within the foul drainage network and to avoid pollution issues, in accordance with Policies RM1 and RM5 of the Hambleton Local Plan.

26. In the interest of public health and maintaining the public sewer network, in accordance with Policy E2 of the Hambleton Local Plan.

27. In order to ensure the site is satisfactorily drained and avoid the pollution of watercourses and land in accordance with Policies RM1 and RM5 of the Hambleton Local Plan.

28. To ensure that the proposed development achieves an appropriate level of water efficiency, in accordance with the relevant requirement of Policy RM1 of the Hambleton Local Plan.

29. In the interests of the design and visual amenity of the area in accordance with policies S1, S5, E1 and E7 of the Hambleton Local Plan.

30. In the interests of the design and visual amenity of the area in accordance with policies S1, S5, E1 and E7 of the Hambleton Local Plan.

31. In the interests of reducing and preventing crime and the fear of crime, in accordance with Policies E1 and E2 of the Hambleton Local Plan.

32. To ensure that the development incorporates appropriate measures and demonstrate that the development is appropriately energy efficient and incorporates on-site renewable energy technologies, where feasible to do so, in accordance with policies S1 and E1 of the Hambleton Local Plan.

33. In order that the Local Planning Authority can consider the impacts of the proposed lighting scheme and avoid environmental pollution and unacceptable amenity issues in accordance with policies S5, E1, E2 and E7 of the Hambleton Local Plan.

34. In the interests of the design and visual amenity of the area in accordance with policies S1, S5, E1 and E7 of the Hambleton Local Plan.
35. In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.
36. In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.
37. In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.
38. To reserve the right of control of the Local Planning Authority and to protect amenity as alternative uses may not be acceptable in this location, in accordance with the relevant policies of the Hambleton Local Plan.
39. To ensure that all appropriate measures, including design and landscaping features are taken into account to prevent the risk of potential birdstrike within the MoD Birdstrike Safeguarding Zone, in accordance with Policy E2 of the Hambleton Local Plan.
40. In the interests of highway safety and in accordance with Policy IC2 of the Hambleton Local Plan.