

Parish: Dalton
Ward: Sowerby & Topcliffe
3

Committee date: 16 February 2023
Officer dealing: Mr A Cotton
Target date: 21 December 2022
Extension of Time 20th February 2023
(if agreed):

22/02156/OUT

Application for outline planning permission [with all matters reserved except access] for the construction of 21no. dwellings

At: Land West of Dalton Motors, Dalton, North Yorkshire
For: Mr Hugh Roberts

This application is referred to Planning Committee due to significant public interest

1.0 Site, context, and proposal

- 1.1 This planning application is in outline form with permission being sought for access only for the erection of 21 no. dwellings with all other matters reserved for future consideration.
- 1.2 Given the nature of the application being in outline form with access only to be considered with all other matters reserved for future consideration, the submission includes plans consisting of a location plan, site access layout, illustrative site layout plan and indicative landscape and open space plan. Accompanying these plans and in support of the proposal the following documents have also been received:
- Site Location plan;
 - Indicative site layout;
 - Design and access statement;
 - Planning statement;
 - Highways Supporting Statement;
 - Drainage Strategy;
 - Phase 1 Ground Investigation;
 - Arboricultural Impact Assessment;
 - Arboricultural Surveys;
 - Tree Protection Plan;
 - Landscape Plan;
 - Landscape and Visual Impact Assessment; and
 - Preliminary Ecological Assessment.
- 1.3 The site currently comprises of a 0.79 hectare parcel of agricultural/grazing land of roughly a square shape. Visually the site appears to be unmanaged grassland. The site is located towards the south western end of the village of Dalton. The south, east and north-east of the site is bound by existing residential properties. To the north lies other agricultural fields with open countryside beyond. Further to the south-west and west there are industrial buildings. The application site is currently accessed via a field access on the bend on the road of Dalton Lane.

- 1.4 The Village of Dalton itself is made up of approximately 355 dwellings as well as a post office, public house, village hall, St John the Evangelist Church, and a car repair garage. Bus stops are located at Chapel Row/Main Street a short walk from the site served by bus no.60 Great Thirkleby to Thirsk and no.150 Thirsk to Ripon of which there are services, amenities, and facilities available. Public footpaths begin within the village close to the site on the south side of Dalton Lane running from Pond House (close to the corner of Dalton Lane) eastwards into the village. It is evident Dalton has developed over time with no overriding historical or cohesive visual characteristics or appearance. Dalton is also in close proximity to a number of large industrial/commercial sites including Dalton Moor Business Park to the east of the village, Dalton Airfield Industrial Estate to the southwest of the village and Mill Industrial Estate to the northwest of the village.
- 1.5 The site is not within a Conservation Area; there are no listed buildings within the immediate vicinity and the site is located in Flood Zone 1.
- 1.6 The proposal is liable for 30% affordable housing which equates to a 6.3 unit affordable housing provision. The applicant has agreed to provide a total of 6no. affordable units out of the 21no. units proposed with a commuted sum to be paid for the remainder. Should outline permission be granted, a condition would be imposed to secure compliance with the councils Housing SPD to meet locally identified need. A policy compliant indicative split is set out within the submission to demonstrate that the scheme is capable of complying at the appropriate stage, of which is the applicant's intention.
- 1.7 A draft Section 106 Agreement which is currently under review by the Councils legal department has been submitted which seeks to ensure the following is secured:
- 30% affordable housing. A total of 6.3 units, to include on site provision of 6 units and a commuted sum of £34,800.00 for the remaining 0.3 units.
 - Provision of a minimum of 1940sqm Public Open space. To include a local equipped area of play (min 140sqm) and allotments (min 100sqm) The Section 106 would secure full details of this through the submission of a required scheme for public open space.
 - A bond to provide surety that the provision of public open space would be brought forward. The bond amount is being agreed with the Councils estates team at the present time.
 - The Parish Council have confirmed they wish to take on the responsibility of open space maintenance and management including allotments and play space, which can be secured through the Section 106 agreement.

2.0 Relevant planning and enforcement history

- 2.1 None relevant

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section

38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Policy S1 – Sustainable Development Principles
Policy S3 – Spatial Distribution
Policy S5 – Development in the Countryside
Policy HG2 – Delivering the Right Types of Homes
Policy HG3 – Affordable Housing
Policy HG5 – Windfall Housing Development
Policy E1 – Design
Policy E2 – Amenity
Policy E3 – Natural Environment
Policy E4 - Green Infrastructure
Policy E7 – Hambleton's Landscape
Policy IC2 - Transport and Accessibility
Policy IC3 – Open Space, Sport and Recreation
Policy RM2 – Flood Risk
Policy RM3 – Surface Water and Drainage Management

Housing Supplementary Planning Document, Adopted July 2022

Open Space Sport and Recreation Supplementary Planning Document, Adopted February 2011

National Planning Policy Framework (NPPF)

4.0 Consultations

- 4.1 Dalton Parish Council – Support the proposal. However, the Parish also raise a number of points as follows:
- Where will the surface water go could this increase flooding elsewhere;
 - Highways safety and operation concerns, particularly placement of site access, increased traffic through the village, capacity issues with local roads.
 - Parking also a concern as is visibility splays;
 - Sewage capacity issues have arising in the past within the village, does the sewage network have capacity for this development;
 - Will the local schools have capacity for this development;
 - What will happen with the electricity pole near the proposed entrance;
 - Development of this size would be better suited in Topcliffe being a primary village;
 - Why is there a footpath across the site when there are no existing footpaths at the end of this;
 - When there was a call for sites why was this site not put forward;
 - A condition of this permission should be to give or sell the remaining area of land to the Parish Council to provide for allotments.
- 4.2 NYCC Highways Authority– No objection subject to conditions.

- 4.3 NYCC Lead Local Flood Authority (LLFA)- No objection subject to conditions.
- 4.4 Ministry of Defence – No safeguarding concerns at this stage but would need reconsulting upon reserved matters stages.
- 4.5 Yorkshire Water – No objection subject to conditions.
- 4.6 Environment Agency – No comments received.
- 4.7 Environmental Health (Contaminated Land) - No objection subject to conditions.
- 4.8 Environmental Health (Amenity) – No objection. Noise impact assessment should be submitted with future stage of application.
- 4.9 Street naming and numbering – No application required at this stage.
- 4.10 NYCC Education – No objection but request contributions through S106 agreement.
- 4.11 Rural Housing Enabler – Affordable housing position is policy compliant with. Would welcome a discussion at a later stage when house types/sizes etc are fixed. Both the size and layout of the properties would be expected to meet the policy requirements.
- 4.12 Public comments –1 neutral, 1 letter of support and 8 letters of objection with two supplementary objections from the same property. The comments received have been summarised below:

Support

- If approved, we would like to buy one of the houses.

Neutral

- Surface water drainage need to be reviewed as currently floods onto Dalton Lane. Highways surface water drainage should be improved.

Objection

- Highways safety concerns/increased traffic through the village;
- No access to doctors, school, shop, or other amenities/inadequate village amenities;
- Do we need more houses/when are green fields going to stop being built on;
- Does not accord with recently adopted Local Plan being major development outside of a village;
- Concern with proximity of proposed dwellings to warehouses and the implications this could have for future residents and existing businesses;
- Loss of view;
- Loss of privacy;
- Amenity impacts upon existing residents during construction/ additional noise and loss of village tranquillity;
- Ecological impacts;

- Elderly member of the community believes an ancient battle may have taken place on this land/ topography of land suggest ancient earthworks;
- Concern this would allow further applications to extend the village;
- Detrimental impact upon character and appearance of the village;
- Does not represent organic incremental growth;
- Dalton Transport site should have been considered under criteria a of HG5;
- Other ongoing housing developments and allocated sites negate the need for additional housing development;
- Clarification of house types/location of play area dangerous next to main road/additional parking for play area should be provided;
- Concern over flood risk/surface water drainage and highways surface water drainage;
- Is there adequate electricity supply to serve this development;
- Social and economic benefits are overstated/ will not be realised;
- Concern over limited play space available for village children; and
- Concern over limited dog walking areas within the village.

5.0 Analysis

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

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

Principle of development

5.2 Policy S3 states that, the development strategy for Hambleton is to focus growth at: 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. The settlement Hierarchy within policy S3 defines Dalton as a Secondary Village. Policy S3 also sets out that, to help maintain the sustainability of rural communities and to address affordable housing and other housing requirements, limited development will be located in service villages and secondary villages where there are a good range of services and facilities to support the level

of growth proposed. Policy S3 finally goes on to state that housing development that comes forward during the plan period will be an important additional supply of homes and will be supported as set out in inter alia policy HG5, Windfall Housing Development.

- 5.3 Policy HG5 makes provision for residential housing development within and adjacent to the built form of a settlement. Policy S5 defines the built form of the settlement as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them, as well as setting out exceptions to this (criteria a-e).
- 5.4 The site is located to the western end of the village adjacent to residential properties to the northeast and east and a large commercial site is located to the southwest/west. As such criteria a, b, and e of S5 do not apply. It is noted that the site is undeveloped land on the edge of the settlement, however given that visually the site appears to be relatively enclosed by the surrounding built form as set out above, it is considered that the site visually relates more closely to the built form of the settlement than the open countryside further to the north. Therefore, in this instance the site does not fall within criterion c or d. As such considering the definition set out in policy S5 the site is considered to be adjacent to the built form of the settlement.
- 5.5 Policy S5 also states that, where significant development in the countryside is demonstrated to be necessary, the loss of best and most versatile agricultural land (classed as grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Natural England's (NE) Land classification maps reveal the site is classified as grade 3 (NE does not provide details on subgrade) and no further agricultural land classification surveys have been carried out for the site to determine the subgrade. However, given the site area is 0.79 hectares in size, even if the site was subgrade 3a and therefore at the lowest end of BMV, in agricultural terms the loss is not considered to be of such a scale so as to warrant refusal on these grounds. The site is not classed as grade 1 or 2. The size of the site is not considered to amount to 'significant' development in the countryside.
- 5.6 Adjacent to the built form of a settlement Policy HG5 supports residential development where it complies with criteria a – e. Criteria a-e are set out below:
- a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
 - b. it will provide a housing mix in terms of size, type, and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.
- All proposals will individually or cumulatively;
- c. represent incremental growth of the village that is commensurate to its size, scale, role, and function;

d. not result in the loss of open space that is important to the historic form and layout of the village; and

e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

5.7 The applicant has carried out a site search considering previously developed land which is commensurate with the size of the development within Dalton. The site search completed identified the following possible alternative sites listed below with whether each was considered suitable, available, or viable.

- a. Ivy House Farm – Not of an appropriate scale and unavailable.
- b. Southland Farm – Unavailable for development and potential technical matters (contamination) which may render it unviable.
- c. Curtilage of Pond House - Not of an appropriate scale and unavailable for development.
- d. Curtilage of Willow House – Not currently unavailable, and unlikely to be viable due to the access via private drive.
- e. In addition, the councils Brownfield Land register listed no other sites in the area.

No suitable, available, or viable sites were able to be identified. The applicant has satisfied criterion a.

5.8 With regard to criterion b there is scope within the confines of the site to achieve an appropriate mix of dwellings in terms of size, type, and tenure at the appropriate reserved matters stage. A condition can be imposed to secure this. This in no reason that the proposal could not provide for an appropriate mix of dwellings and indeed the illustrative information provides for an appropriate mix. This matter is also explored further in the affordable housing provision and housing mix section of the report below.

5.9 Criterion c requires consideration of whether the proposal would represent incremental growth commensurate to the size, scale, role, and function of the village both individually and cumulatively. The explanatory text indicates that in assessing such proposals consideration will be given to the cumulative impact that development would have in order to prevent an overall scale of development that would be harmful to the character of the settlement or likely to have an adverse impact on infrastructure and local facilities. If the proposal is considered to be of such a scale in its own right, or cumulatively, that it would be harmful to the character of the village or potentially overwhelm services and facilities then it will not be supported. This will be a matter of planning judgement and will depend on the particular circumstances involved for each case.

5.10 The concept of development adjacent to rural settlements was introduced by the National Planning Policy Framework (NPPF). Paragraphs 78-79 now state that decisions should be responsive to local circumstances and support housing developments that reflect local needs. Housing should be located where it will enhance or maintain the vitality of rural communities. At the time of introduction, the

Council's Local Development Framework (LDF) did not align with this principle and therefore the Interim Policy Guidance (IPG) was introduced in April 2015 to bridge the gap between the NPPF and the LDF. Since the introduction of the IPG 34 dwellings have been approved in Dalton and some 24 have been completed.

- 5.11 The LDF has been superseded by the Local Plan which now requires an assessment of cumulative impact of development on the district's rural settlements. The settlement of Dalton currently comprises approximately 355 dwellings. Prior to April 2015 the number of dwellings in Dalton would have therefore been approximately 331. As mentioned above some 24 additional dwellings have been approved and built out adjacent to and within the built form of Dalton. This equates to a percentage increase of 7% in approximately 7-8 years. The proposed development of 21 units would add a further 5.92% giving a total of 13.59% increase upon the 331 dwellings prior to April 2015. It is determined that an increase of 5.92% individually and a cumulative increase of 13.9% would be considered a moderately significant increase in this period.
- 5.12 Whilst the increase in recent years is moderately significant, the cumulative impact of this development on the character of the area and local services must be considered further in order to determine if the proposed development would be of such a scale in its own right, or cumulatively, that it would be harmful to the character of the village or potentially overwhelm services and facilities and as such not be supported.
- 5.13 Criteria d and e of HG5 require consideration of the loss of open space that is important to the historic form and layout of the village and consideration of the impacts upon character and appearance of the village and surrounding countryside respectively. Historic maps and aerial photography reveal that the main built form of Dalton grew significantly in the period 1850 -1910, with a further period of significant expansion between the 1960s-1980s. Development since the 1980s has been of lesser scale. In terms of the form of the settlement this proposed development is not considered to be harmful in its immediate context and appears to round off this section of the settlement, given it is surrounded on three sides by existing built form. There appears to be no reason to suggest the site forms a key open space within the historic form of the village.
- 5.14 Given the sites current use, the location of the site and its relationship to the historic pattern of development within the village it is considered that the development would not result in the loss of open space that is important to the historic form and layout of the village.
- 5.15 Specifically relating to criterion e of HG5, in terms of impact on the character and appearance of the village and wider surrounding countryside, the applicant has demonstrated through the submission of a landscape and visual impact assessment (LVIA) that there would be a minimal impact upon the wider landscape resulting from the proposal in part due to the topography of the surrounding landscape and intervening vegetation. Additionally, it is noted that the established boundaries to the north of the site form a sense of enclosure, particularly on the approach to the village from the north when travelling along Dalton Lane, with the industrial units to the west and existing residential properties to the south and east. The proposed

open space and landscaping, as shown on the indicative plan would also provide a further buffer, softening the built form of proposed development. Satisfactory landscaping of the site would be ensured by the imposition of condition. Exiting the village when travelling along Dalton Lane from the east, the industrial units and housing to the south Dalton Lane dominate the view to the degree that visually the site does not feel part of the open countryside. Additionally it is noted that on the indicative plan the proposed built form would extend no further north than the existing built form of the residential properties to the east, nor further than the built form and storage area of the industrial units to the west. Given the above the proposal would comply with criterion e.

- 5.16 Concern has been raised with the capacity of local schools to cope with the additional demand from this development. North Yorkshire County Council have indicated that the Topcliffe Church of England Academy has a capacity of 105 with 112 currently on roll, a shortfall of 7 spaces. This development would generate an additional 4.25 pupils increasing the forecast deficit to 11.25 places. NYCC have sought a developer contribution of £68,250.75 for the 4.25 places generated from this development, through Section 106 agreement.
- 5.17 Hambleton District Council operates a Community Infrastructure Levy (CIL) for which this development would be liable. Hambleton's Infrastructure Funding Statement covers the provision of education therefore this money cannot be secured through a Section 106 in this instance. CIL monies can however be used towards the provision of additional education facilities and bearing in mind that Hambleton District Council is due to merge with surrounding district councils and the county council in April this funding could be available for use by the new Unitary Authority.
- 5.18 Therefore, given the above assessment does not identify harm to the overall form of the settlement or to the open countryside, the proposal would meet the test of policy HG5 criteria c, d and e.
- 5.19 It is also noted that a development of this scale, rather than smaller incremental developments over a period of time would trigger additional requirements with regards to open space, allotments, a play area and affordable housing which, although a policy requirement for the scale of development would nonetheless be a benefit of a scheme of this scale coming forward.
- 5.20 Therefore it is considered that the principle of a residential development of 21no. dwellings within this location is acceptable in accordance with policy S1, S3, S5 and HG5 of the Local Plan.

Affordable housing provision and housing mix

- 5.21 Local Plan policy HG3 requires that for residential development within a designated rural parish of 5 units or more a provision of 30% affordable housing should be provided unless a viability appraisal evidences that this is not deliverable.

- 5.22 The applicant has agreed to a policy compliant provision of 30% affordable housing, which on a site of 21 units would equate to 6.3 units of affordable housing. In accordance with the guidance of the Housing Supplementary Planning Document (Housing SPD) 6 affordable units would be provided onsite with the remainder 0.3 units as a commuted sum. The Councils housing team have confirmed they are satisfied with this provision and indicated the commuted sum of £34,800 should be secured through the S106 agreement.
- 5.23 With respect to Affordable housing the Council's new Housing SPD (Table 3.1, page 10) seeks an affordable house type mix of 20-25% one bed homes, 50-60% two bed homes, 10-20% three bed homes and 0-5% four bed homes with a tenure split of 33% social rent, 33% affordable rent and 33% affordable home ownership (intermediate housing) in accordance Policy HG3 of the Local Plan. The below table sets out the indicative mix of affordable housing presented by the applicant compared to the required affordable housing mix.

Type	Target affordable %	No. Proposed	Proposal %
One Bedroom	20-25%	2	34%
Two Bedroom	50-60%	3	50%
Three Bedroom	10-20%	1	16%
Four Bedroom	0-5%	0	0%

- 5.24 Similarly the table below shows the indicative mix of market housing presented by the applicant compared to the required housing mix as set out in the Housing SPD.

Type	Target market %	No. Proposed	Proposal %
One Bedroom	5-10%	2	13%
Two Bedroom	40-45%	6	40%
Three Bedroom	40-45%	6	40%
Four Bedroom	0-10%	1	7%

- 5.25 The indicative layout and details submitted within the planning statement shows a suitable mix of dwellings of both market and affordable housing could be accommodated within the site (as also set out in the tables above), however at this stage these details are indicative and would be fixed at the appropriate reserved matters stage. An appropriate mix of market housing and compliance with the Councils Housing SPD should be a condition of any grant of planning permission with the affordable housing requirements, including appropriate tenure split secured as part of the section 106 agreement.

Impact on character, appearance, and visual amenity

- 5.26 As set out in the principle of development section above, the impacts of the development as a whole upon the character of the built form of the settlement, open countryside and wider landscape as required by criteria d and e of policy HG5 are considered to be acceptable.

- 5.27 Policy E7, Hambleton's Landscapes states that the Council will protect and enhance the distinctive character and townscapes of settlements in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 5.28 Policy E1, Design requires that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 5.29 The site is essentially an open grass paddock with residential properties along its north-eastern boundary and the highway curving around its southern and south-western boundary, to the north is further open fields. There are no buildings within the site. There are some mature trees and hedgerows within the site mainly located on the peripheries, which would be retained. A tree survey and tree protection plan has been submitted and condition proposed to secure the implementation of tree protection measures.
- 5.30 At this outline stage it is considered that based on the information provided, including the indicative site layout and indicative landscaping and open space layout, the site would be capable of accommodating a development of 21no. residential dwellings, subject to further consideration at the appropriate reserved matters stage of layout, siting and design, without harm to the character of the area or visual amenity in accordance with policy E1 and E7 of the Local Plan.
- 5.31 Whilst the details on the indicative plans is not fixed at this stage and subject to further consideration, it is worth noting the following comments when considering any further design work. Plots adjacent to Dalton Lane (i.e. indicative plots 1, 20 and 21 should either have their principal elevations facing onto Dalton Lane or the side elevations of these plots should be designed in such a way so as to include architectural interest and fenestration. Additionally, whilst noting the internal layout road and footway layout it not yet fixed, pedestrian access through the site to the open space would be essential in ensuring that any future occupiers of the development as well as the wider village can safely access the open space and other facilities on foot. These elements will require careful consideration at the detailed design stage.

Highways safety, access, and car parking

- 5.32 Local Plan policies IC1 and IC2 seek to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. Detailed access drawings have been provided which show a suitable vehicular and pedestrian access can be achieved from Dalton Lane. The main access road is indicatively shown to run roughly perpendicular with Dalton Lane northward through the site and terminating close to the northern boundary of the site.
- 5.33 Additionally the indicative plans show how the development could be laid out with roads, footways and off-street parking to an appropriate level as required by the councils parking standards.

- 5.34 North Yorkshire County Council's Highways Officers were consulted on the application and are satisfied that the level of information provided at this stage is sufficient and demonstrates that subject to conditions the proposal would not result in highways safety or operation concerns.
- 5.35 The Highways Officer recommends a number of conditions and informatives relating to matters regarding the provision of detailed road and footway layouts; construction of adoptable roads and footways; visibility splays; details of offsite highway works (footpath to the front of the site), details of turning, manoeuvring and parking areas and the provision of a construction management plan. The Highways officer has suggested a condition to restrict the conversion of garages, however as this is outline for access only and no fixed details are known about the layout this condition would not meet the five tests as set out in the NPPF.
- 5.36 As stated above the application is in outline form and as such detailed matters relating to layout are not fixed at this stage. In terms of connectivity and ensuring the site is sustainably linked to the wider village the highways authority have requested a condition to ensure off-site works to create a pedestrian footpath to the frontage of the site on Dalton Lane. This would ensure safe and adequate pedestrian access from the site to the wider village and its amenities. Internally as also noted in paragraph 5.31 above there should be a pedestrian access through the site to the open space. The pedestrian route through the open space as shown on the indicative plan is unlikely to be practical or safe as it offers openings onto the highway where there are no footpaths. Therefore a future path should consider safety and be designed accordingly.
- 5.37 Given the above and that the application is in outline considering access only, the level of information provided demonstrates that the site can be developed safely and without impacts upon the operation of the highway network for 21 units.
- 5.38 The proposal accords with policy IC1 and IC2 of the Local Plan.

Flooding and drainage

- 5.39 The site application site is within flood zone 1 on the EA Flood maps and as such is a suitable place for residential development. As the site is less than 1 hectare there is no requirement for a flood risk assessment.
- 5.40 The applicant has submitted a drainage strategy in support of the application. The LLFA have reviewed these documents and initially requested additional information including an exceedance plan and confirmation regarding the climate change calculation. Subsequently the applicant submitted a proposed drainage strategy plan, a climate change allowance statement and attenuation estimate for the site.
- 5.41 The proposed drainage strategy identifies that foul water would be discharged to the public sewer which has been determined in consultation with Yorkshire Water who did not raise any capacity issues which would hinder development.

- 5.42 Concerns have been raised with regard to the capacity of the sewage network in the area. The council have consulted Yorkshire Water on this application and Yorkshire Water have commented on the application raising no objection to the proposed foul sewer connection. Additionally, it is noted that sewage network capacity issues are an operational matter to be dealt with separately from planning legislation.
- 5.43 With regards to surface water drainage, the proposed drainage strategy considers sustainable drainage methods within the hierarchy to determine the most sequentially preferable solution for this site. Infiltration is discounted due to the results of a September 2022 percolation test which identifies that the onsite infiltration is not viable for this site. Investigations reveal that discharge into the watercourse to the north of the site to 'old beck' is viable. On site attenuation with a hydrobrake to achieve an appropriate max discharge rate of 3.5l/s is indicated on the proposed drainage strategy plan which demonstrate how this on-site attenuation and surface water drainage solution could work.
- 5.44 The LLFA have reviewed the updated information and are satisfied with the detail provided at this stage recommending a number of conditions to ensure an adequate drainage strategy is secured at the detailed design stage. Given that the application is in outline with all matters reserved except for access, for a site which is in flood zone 1, it is considered that this information can be secured through appropriately worded planning conditions which request submission of this information at a later stage (e.g. pre-commencement of development) once the detailed design is fixed.
- 5.45 Concern has also been raised with regard to existing highways surface water issues in this location. Planning applications cannot be required to resolve issues which are not arising from the proposed development. As set out above an adequate drainage strategy has been shown to be feasible which would not lead to additional impacts from this development upon the highway surface. Highway surface water within the site would be dealt with through onsite drainage within the access road details of which are secured by condition 14.
- 5.46 The applicant has provided sufficient information to demonstrate the proposed methods of dealing with both foul and surface water drainage are both feasible and accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore, subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

Impact on neighbouring amenity

- 5.47 The application is in outline for access only and as such the layout of the proposed development is not yet fixed.
- 5.48 The applicant has submitted an indicative site layout, which while not binding demonstrates that the site is able to accommodate 21 dwellings and provide suitable outdoor amenity areas for future residents. It is considered that, subject to assessment of matters reserved for future consideration including layout, scale, appearance and landscaping, the site could be developed maintaining suitable

privacy distances and as such without having a detrimental impact upon neighbouring amenity.

- 5.49 The development of this site for housing is considered to be acceptable both in terms of the residential amenity of existing and future occupiers. Space standards can be suitably ensured by planning condition.
- 5.50 Any development will likely result in some disruption and localised amenity impact during the construction process. These impacts would be localised, only last for a short period of time and could be suitably mitigated through the developer adhering to a construction management plan and restriction of working hours during construction. It is considered conditions can secure full details of site operation, wheel cleaning and working hours at the site.
- 5.51 Concern has been raised with regard to the proximity of the site to the nearby industrial/commercial uses. The councils Environmental Health Officers have reviewed the proposal and raised no concern subject to a noise impact assessment (NIA) at the appropriate reserved matters stage once details of layout, design and construction are known and can be considered. It is considered that this request is appropriate at this stage, particularly given that the site is immediately adjoined to existing residential properties to the northeast and the indicative layout shows the proposed properties being a similar distance from the industrial and commercial uses as the residential property to the south (Pond House) and as such it would be difficult to justify that there are no circumstance in which housing would be acceptable in this location from a noise perspective. Additionally, the NIA would need to factor in layout and construction to ensure future occupiers a suitable level of amenity and at this stage these details are unknown. In light of the above the proposal accords with Policy E2 of the Local Plan.

Trees and Ecology

- 5.52 A Preliminary Ecological Assessment (PEA) has been submitted in support of the application which identifies that the site has no particular significance to flora and fauna, other than the mature trees being of moderate ecological value to bird and bats. The PEA adequately assesses the site in terms of its ecological value and the presence or absence of protected species. No protected species were recorded using the site other than hedgehogs. The trees within the site have moderate potential for bat roosting, however as they are proposed to be retained, it is recommended that a condition secure an appropriate lighting scheme so as not to result in negative impacts. The PEA also recommends landscape planting should comprise native species or species of known wildlife value in order to enhance the ecological value of the site, enhancement of the existing hedgerows with native species through notch planting, the incorporation of bird and bat boxes/bricks within new properties, and the inclusion of suitable gaps in boundary treatments to allow free movement of small mammals.
- 5.53 The applicant has also submitted a Biodiversity Net Gain (BNG) assessment which uses the DEFRA 3.1 metric to calculate the sites biodiversity value and potential net gain post development. The BNG assessment identifies the sites baseline measurements would give 4.22 habitat units and 0.52 hedgerow units. The BNG

assessment goes on to demonstrate that the site could achieve +1.69 habitat units and +0.89 hedgerow units. These equate to a potential biodiversity net gain of +39.97% for habitats and +170.57% net gain for hedgerows.

- 5.54 These calculations could change once the layout and landscaping are fixed at subsequent reserved matters stages however at this point the PEA and BNG assessment demonstrates that the site could be developed for 21 dwellings without harmful ecological impacts and is able to achieve significant biodiversity net gain on the site in accordance with Policy E3 of the Local Plan.
- 5.55 A Tree Survey and Tree Protection Plan have been submitted with the application which makes an assessment of the trees and hedgerows on site and how the proposed development would impact upon these. The submitted documents show that, other than the unprotected hedgerow formerly in the centre of the site which has already been removed, the identified trees on the site would be retained. A small section of the northern boundary hedgerow would be removed/cut back likely to facilitate the garden space of plot 9. However, this is a small section and the indicative landscape plan demonstrates how adequate planting to mitigate the loss, as well as the PEA and BNG assessment supporting this, could be provided. Tree protection would be secured through a condition.

Land contamination

- 5.56 A Preliminary assessment of land contamination (PALC) and Phase I Site investigation report (Phase I) has been submitted in support of the application. The council's Environmental Health officers dealing with land contamination have assessed the information submitted and commented that there is potential for contamination from previous uses at the site and concurs with the conclusion that a Phase II site investigation and Risk Assessment should be undertaken.
- 5.57 No issues of land contamination have been identified that would preclude the development of this site subject to conditions regarding any remediation requirements. The Environmental Health Officer has raised no concerns about the proposed development in these terms. A suite of conditions is proposed to ensure further investigation and appropriate remediation takes place.

Open space, sport, and recreation

- 5.58 Policy IC3 and Appendix E set out the policy context for open space, sport, and recreation within the district. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children's play and for young people.
- 5.59 As the application is in outline with all matters reserved, at this stage the layout of the site and as such layout of the open space is not fixed. However, it is calculated that under the SPD a provision of a minimum 919.22 sq. m of public amenity space would be required for this scheme including an equipped children's play area (minimum 132.89 sq. m) and allotments (minimum 99.5 sq. m).

- 5.60 On the indicative landscape plan an area of open space is shown to the western side of the site which could accommodate an overall 1940 sq. m including 140 sq. m equipped play space and 100 sq. m allotment area. These indicated provisions are all above the minimum standards set out in the SPD. The details provided are considered adequate at this stage to demonstrate the site can accommodate this quantum of development as well as provide the required open space provision. Full details of the provision, safe siting, design, and management of the open space, play area and allotments can be secured through a section 106 agreement attached to any grant of permission.
- 5.61 Taking all the above into consideration, the proposal therefore is considered able to meet the requirements of Policy IC3 and the Public Open Space SPD.

Other Matters

- 5.62 Other comments made queries why the site was not put forward at the Local Plan Call for Sites stage. The site was not put forward during the call for sites however this is not a material planning consideration and does not alter the assessment of the application or influence the recommendation made. Alternative locations have been suggested for the development; however, the Local Authority must assess the application it has been presented upon its own merits. A request was made in the comments received that the applicant should sell or gift the remaining land outside the development site, this is not a material planning consideration and falls outside the remit of this planning application.
- 5.63 Concern has been raised with potential for the site having historic merit or archaeological interest. From the information on the councils mapping system the site is not of particular historic or archaeological potential and does not warrant additional archaeological evaluation.
- 5.64 The application site is private land and as such its change of use for residential purposes does not require consideration of loss of public open space. The provision of public open space however would be a public benefit of the proposal.
- 5.65 The applicant's criteria for considering alternative sites is considered to be suitable. Concern has been raised that the Dalton Transport site should have been considered as an alternative site. Criteria a of HG5 requires consideration of 'suitable and viable previously developed land available within the built form of the village', whilst the Dalton Transport site could be considered previously development land it is not considered that this would be a suitable or viable alternative for this proposal.
- 5.66 Concern has been raised with regards to the electricity pole within the grass verge beyond the edge of the application site. The electricity pole location is shown on the access point drawings and could be left in situ despite the proposed access. The applicant however has stated that they intend to underground the electricity services. This is outside of the application site and the matter would be for the applicant to pursue with the relevant statutory provider.

Planning Balance

- 5.67 It is considered that the principle of development on this site is acceptable, given the sites location adjacent to a secondary village and compliance with criteria a-e of policy HG5. The scale of housing proposed and access to the site is considered appropriate. The proposed quotient of affordable housing meets the requirements of HG3 and as such is considered to be acceptable. The Highway Authority has confirmed that the existing road network can accommodate the development and there are no highways safety or operation concerns with the access proposed.

6.0 Recommendation:

That subject to any outstanding consultations planning permission is **GRANTED** subject to:

- (a) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
 - (i) Six affordable dwellings within the red line boundary application site, of size, type and tenure in accordance with the Council's Housing Supplementary Planning Document 2022;
 - (ii) A commuted sum of £34,800.00 towards the provision of affordable housing of size, type and tenure in accordance with the Council's Housing Supplementary Planning Document 2022;
 - (iii) Provision of a minimum of 1940sqm Public Open space, to include a local equipped area of play (minimum 140sqm) and allotments (minimum 100sqm);
 - (iv) A bond to provide surety that the provision of public open space would be brought forward.
 - (v) Appropriate maintenance and management of on-site open space, allotments and local equipped area of play.
- (b) The following conditions:
 - 1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 - 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
 - (a) The layout of the site
 - (b) The scale and external appearance of each building;
 - (c) the landscaping of the site.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development, including external surfaces of buildings, hard surfacing and boundary treatments, have been submitted to the Local Planning Authority for approval in writing and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site). The development shall be constructed of the approved materials in accordance with the approved method.

4. The permission hereby granted shall not be undertaken other than in complete accordance with:

Location plan ref: 3315-001; and

Site access design and visibility splays ref: AMA/21652/SK001

as received by Hambleton District Council on 15 September 2022 unless otherwise agreed in writing by the Local Planning Authority.

5. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
6. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority.
7. Prior to the commencement of development, full details of all existing and proposed site levels shall be provided to and approved in writing by the Local Planning Authority. The levels shall be taken from a known datum and shall include all existing and proposed site levels along with finished floor, eaves, and ridge levels of all proposed buildings. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall then be implemented in accordance with the approved details.
8. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.
9. Unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required, prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A

of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

10. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
11. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
12. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
13. The development hereby approved shall be for no more than 21 dwelling units and shall comply with the requirements of the Council's Housing Supplementary Planning Document - July 2022.
14. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
15. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.
16. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring

the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

17. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: • vehicular, cycle, and pedestrian accesses; • vehicular and cycle parking; and • vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.

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.

18. 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. details of site working hours; and
6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

19. The following scheme of off-site highway mitigation measures must be completed as indicated below:

- Provision of a 2.0 metre wide footway on the site frontage. The footway is to be provided prior to the development being brought into use.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including

any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

20. Prior to any above ground development on the site a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain in accordance with the details submitted within the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment as prepared by Estrada Ecology ref SQ-620 September 2022 and SQ-620.1 September 2022.

21. No construction works in the relevant area(s) of the site shall commence until measures to protect the public 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.

22. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall 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. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

23. 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 3.5 litres per second for up to the 1 in 100 year event. A 40% 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.

24. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development. If the drainage system is to be adopted by Yorkshire Water/Northumbria Water a maintenance plan should be included up to the date at which it is vested.

25. Development shall not commence until a scheme for the accommodation of additional flows impacting upon the watercourse network have been submitted to and approved in writing by the Local Planning Authority. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

26. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. 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.

27. The development shall not be commenced until the tree protection measures as set out in the Arboricultural Survey BS5837:2012 ref: Tree Survey 0306 Rev B; and Tree Protection Plan ref: Land North of Dalton Lane, Dalton Thirsk, Rev B are installed. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.

28. Prior to the submission of the first reserved matters application a Noise Impact Assessment, considering all noise sources including both the industrial units to the east and the garage to the west of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme and any necessary mitigation shall be incorporated into the final design and layout of the scheme. Approved measures shall be implemented prior to the occupation of the first dwelling.

The reasons are: -

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
4. In 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 Plan Policies S1 and E1.
5. In the interest of satisfactory and sustainable drainage.
6. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
7. In order that the development is appropriate in terms of the character and amenity of the area and in compliance with policy E1 and E5 of the Local Plan.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems.
11. 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.
12. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies.

13. In order that the Local Planning Authority can control the intensity of the use of the site to ensure that the use does not exceed the capacity of the environment to cope with the demands placed upon it in accordance with the Local Plan policies noted above.
14. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
15. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
16. In the interests of highway safety.
17. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
18. In the interest of public safety and amenity.
19. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
20. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
21. In the interest of public health and maintaining the public sewer network.
22. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
23. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
24. To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.
25. To accommodate flows in storm events and allow for future maintenance.
26. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
27. To ensure appropriate protection for trees and to enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
28. In the interest of residential amenity and in accordance with Policy E2 of the Hambleton Local Plan.