

**Parish; Stillington**

Ward: Huby

**10**

Committee Date: 16.02.2023

Officer Dealing: A O'Driscoll

Target Date: 29<sup>th</sup> November 2022

Extension of time (If agreed): 17<sup>th</sup> March 2023

**22/02019/FUL**

**Proposed residential development comprising 35 dwellings (including 1 self build plot), means of access, site infrastructure and associated landscaping.**

**At: Land North Of Stillington Social Club, York Road, Stillington**

**For: Mr D Gath**

**This application is referred to Planning Committee as the proposed development is a major development.**

## **1.0 Site, Context and Proposal**

- 1.1 The application site is located at the southern end of the settlement of Stillington and to the north of Stillington Sports and Social Club. Immediately to the north of the site is a development of 24 dwellings by the same developer which was approved in 2015. This "first phase" now makes up Chantry Gardens and Thompson Garth and is completed and occupied. To the west and partially south of the site is an area allocated as Local Green Space. The Stillington Conservation Area borders the northern side of South Back Lane, to the north of the "phase 1" development.
- 1.2 The site for "phase 2" is currently green field in agricultural use and has a gentle slope of 4.5m falling diagonally from the North East to the South West from a level of 42.0m AOD to 37.5m AOD. It is currently divided into two parts by a mature hedgerow and both sides are bordered on three sides by mature hedgerow. The northern boundary with the phase 1 development is bordered by a post and rail fence. The Sports Club buildings and some dwellings which border the site to the south, east and west respectively are visible from within the site. Although in agricultural use the site does relate more to the settlement than to the open countryside.
- 1.3 The site is allocated for housing in the Local Plan under STL1: North of Stillington Social Club, Stillington. The allocation includes 1.31ha of land for approximately 35 homes. The policy indicates that access should be taken from Chantry Gardens and/or Thompson Garth. Pedestrian and cycle links to surrounding streets and the recreation grounds should be provided. The western part of the site is vulnerable to surface water flooding and mitigation may be required. Existing landscape features should be retained except to facilitate access into and across the site. The allocation also stipulates that the development must integrate with the surrounding area through scale, massing and density whilst guarding against impacts of overshadowing and overlooking of the existing properties to the north.
- 1.4 The application is for a total of 35 dwellings one of which is earmarked as a self-build plot. Two access points are proposed, one through Chantry Gardens (the western access) serving 15 dwellings and one from Thompson

Garth (the eastern access) serving 20 dwellings. The two access roads will not allow through vehicular traffic; however, they will be linked by a pedestrian and cycle path. A further pedestrian link will join the site to the recreation grounds. This also allows for a shorter, more direct, faster route for the eastern part of the settlement to access the recreation grounds without having to travel around via Carr Lane.

- 1.5 During the life of the application the layout has been amended in response to officer and consultee comments. The alterations were minor and included improvements to street scene, parking and defensible boundaries.

## **2.0 Relevant Planning and Enforcement History**

- 2.1 The site itself is greenfield with no planning history
- 2.2 Phase 1: 14/02389/FUL - Construction of 24 houses with associated garages and parking areas. Formation of 4 new means of access to South Back Lane, provision of underground gas tank, landscaping and enclosures as amended by plans received by Hambleton District Council on 2 March 2015 – Granted

## **3.0 Relevant Planning Policies**

- 3.1 The relevant policies are:

Local Plan Policy S1: Sustainable Development Principles  
Local Plan Policy S3: Spatial Distribution  
Local Plan Policy HG1: Housing Delivery  
Local Plan Policy HG2: Delivering the Right Type of Homes  
Local Plan Policy HG3: Affordable Housing Requirements  
Local Plan Policy E1: Design  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy E4: Green Infrastructure  
Local Plan Policy IC1: Infrastructure Delivery  
Local Plan Policy IC2: Transport and Accessibility  
Local Plan Policy IC3: Open Space, Sport and Recreation  
Local Plan Policy RM1: Water Quality, Supply and Foul Drainage  
Local Plan Policy RM3: Surface Water and Drainage Management  
National Planning Policy Framework

## **4.0 Consultations**

- 4.1 Parish Council – Stillington Parish Council wish to see the development refused and raise the following concerns:
- Concern re surface water flooding and capacity of existing drains
  - Increased traffic and highways safety
  - Density too high for the area and cumulatively with phase 1
  - Public Open Space payments should be increased due to the benefit of not having to provide open space on site
- 4.2 Highway Authority – No objection subject to conditions

- 4.3 Lead Local Flood Authority – Further information requested on the rights to discharge water across third party land easements with ongoing access and maintenance rights. Exceedance flow route details taking account for the lifetime of the development and temporary mitigation measures during construction works are sought. Also full details of maintenance and finish floor levels.
- 4.4 Foss Internal Drainage Board – No objections subject to condition
- 4.5 Yorkshire Water – No objection subject to condition, however, it must be noted that if the drainage system is to be adopted the discharge rate would need to be increased as this is the minimum rate adoptable of discharge as stipulated under 'codes for adoption.
- 4.6 North Yorkshire Police Designing Out Crime Officer – Following amendments to the scheme most of the issues previously raised were addressed however the frontages of plots 1, 2, 29 and 30, lack demarcation between frontages, Plots 11, 12 and 28 lack demarcation between public and private space.
- 4.7 Yorkshire Wildlife Trust - There are no specific constraints on this site which warrant comment from us, due to our limited resources. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of any proposed development.
- 4.8 Historic England – Does not wish to comment.
- 4.9 MOD Safeguarding RAF Linton on Ouse – No safeguarding objections
- 4.10 Waste and Street Scene -
- 4.11 Public comments – 16 letters of representation were received from members of the public. 12 letters were in objection, 1 in support and 3 neutral but raising concerns/issues. Issues raised include:
- Highways Safety/increased traffic
  - Visibility on Thompson Garth junction and York Road junction is poor
  - South Back Lane is unsafe for pedestrians
  - Will Chantry Gardens be adopted?
  - Thompson Garth is a private road and residents are responsible for upkeep, will new residents also be responsible for the upkeep?
  
  - Impact on amenity through increased traffic through phase 1
  - Impact on privacy of existing dwellings (phase 1)
  - Direct access to York Road should be provided
  - Lack of parking
  - Road not wide enough
  
  - Pedestrian link to recreation grounds will cause anti-social behaviour
  - Use of private roads for parking by patrons using local services
  - Density too high for rural setting
  - Lack of open space

- What improvements will be made to public open space and playground with the contribution from this development?
- Impact on local services and drainage
- Overlooking between plot 35 and 4 Thompson Garth
- Surface water flooding to western part of site
- Affordable Housing distribution, all on the western side
- The extent of any work to the central hedgerow should be limited
- Future management of all hedgerows should be secured
- Unclear on who will be responsible for the landscape buffer between phases
- 5m buffer on previous phase was not planted and now appears reduced in width
- Landscape buffer should be included at 5m width to maintain rural appearance and privacy
- Landscape buffer ends before Calor Gas site
- Do not want to maintain the northern boundary landscape buffer or have garden shaded by trees. The hedge may also interfere with drains
- Ground water level is very high raising concern that the site isn't suitable for development
- Run off from Calor Gas site
- Are the proposed heating systems environmentally friendly?
- Disruption during construction
- No information on construction management submitted
- Impact on biodiversity
- No need for street lighting as this is a dark skies area
- Self-build plot is very big with external stairs
- Impact on the Village character/rural nature of the area
- No need for additional pavement on Chantry Gardens

## **5.0 Analysis**

5.1 As mentioned above the application is allocated for housing in the Local Plan. The policy indicates that 1.31ha of land is allocated for approximately 35 dwellings. The proposal meets the main criteria of the allocation being for 35 dwellings on approx. 1.31ha of land. The principle of residential development is therefore established in this case.

5.2 The main issues to consider are:

- Affordable housing, mix and Nationally Described Space Standards
- Design and impact on the character of the area
- Heritage
- Amenity
- Drainage and Flood Risk
- Highways safety
- Biodiversity

## Affordable housing, mix and Nationally Described Space Standards

- 5.3 Local Plan Policy HG3 states that the council will seek provision of 30% affordable dwellings on all housing developments. In all cases where affordable housing is provided it will be expected to:
- provide a mix of tenures, subject to identified need, consisting of one third each of:
    - i. affordable rented;
    - ii. social rented; and
    - iii. intermediate dwellings (shared ownership) or other types of affordable home ownership;
  - be dispersed in small clusters across development sites;
  - be externally indistinguishable in terms of design and materials from any market housing on the site; and
  - be transferred at transfer price.
- 5.4 Policy HG2 states that all new residential development should assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure. A proposal for housing development will be supported where:
- a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing;
  - all homes meet the National Described Space Standards (NDSS), or any successor standards/policy.
- 5.5 The Housing SPD states that as part of achieving its aims and objectives the Council wants to ensure that new housing meets housing needs and demand and supports the economic growth ambitions of the Economic Strategy; for local businesses to grow and new ones to set up there needs to be assurance for investors that there is a range of good quality housing for their workforce. Although there will be some demand for large homes, the main need is for a supply of housing that is affordable to those on modest incomes.
- 5.6 As the development is for 35 dwellings the affordable housing requirement in this case is 10.5 dwellings. The proposal includes the provision of 10 dwellings on site. The remainder of the requirement will be provided through commuted sum and secured as part of the S106 legal agreement. The affordable housing is to be located on plots 7-12, 20-21 and 24-25. This distribution is considered to be acceptable as it meets the requirements to be dispersed across the site. The affordable dwellings appear to be designed to the same standard as the market dwellings.
- 5.7 The proposed mix for Market and Affordable housing is detailed in the following table:

| House Size  | Market No of Units | Market Housing Proposed | Market Housing Target | Affordable No of Units | Affordable Housing Proposed | Affordable Housing Target |
|-------------|--------------------|-------------------------|-----------------------|------------------------|-----------------------------|---------------------------|
| 1 bedroom   | 2                  | 8%                      | 5-10%                 | 2                      | 20%                         | 20-25%                    |
| 2 bedrooms  | 10                 | 40%                     | 40-45%                | 6                      | 60%                         | 50-60%                    |
| 3 bedrooms  | 10                 | 40%                     | 40-45%                | 2                      | 20%                         | 10-20%                    |
| 4+ bedrooms | 3                  | 12%                     | 0-10%                 | 0                      | 0%                          | 0-5%                      |

5.8 As can be seen from the table the mix is within the target ranges across the board with the minor exception of 1 four-bedroom market dwelling over the target. As the self-build dwelling is a four-bedroom property this is considered to be acceptable. 6 of the dwellings are designed as bungalows, 3 of which are two-bedroom bungalows. This would equate to 17% of the mix as single storey and 8.5% as 2-bedroom single storey.

5.9 All of the house types comply with or exceed the Nationally Described Space Standards as shown in the table below. The table shows that the majority of dwelling types do not exceed the standards by excessive amounts. In this case therefore it is considered that the mix provides a good range of house sizes which would meet the requirement of the SPD in relation to affordability to those on a modest income.

| House Type         | Size type | NDSS | Gross Internal Area | No of Units |
|--------------------|-----------|------|---------------------|-------------|
| *1BH               | 1B2P      | 58   | 61.54               | 2           |
| *AB2               | 2B3PSS    | 61   | 62.04               | 2           |
| *Linton            | 2B3P      | 70   | 70                  | 4           |
| *Newton            | 3B4P      | 84   | 90                  | 2           |
| <b>Marion</b>      | 1B2P      | 58   | 68.66               | 2           |
| <b>Cundall</b>     | 2B3PSS    | 61   | 68.67               | 1           |
| <b>Wistow</b>      | 2B3P      | 70   | 71                  | 4           |
| <b>Hepton</b>      | 2B3P      | 70   | 75.2                | 4           |
| <b>Denby</b>       | 2B3P      | 70   | 83.6                | 1           |
| <b>Spode</b>       | 3B4P      | 84   | 84.2                | 2           |
| <b>Flawith</b>     | 3B5PSS    | 86   | 102                 | 2           |
| <b>Stillington</b> | 3B5PSS    | 86   | 137.19              | 1           |
| <b>Doulton</b>     | 3B4P      | 84   | 126.7               | 2           |
| <b>Whixley</b>     | 3B6P      | 102  | 116                 | 3           |
| <b>Ainsty</b>      | 4B7P      | 115  | 159.56              | 2           |
| <b>Self-Build</b>  | 4B8P      | 124  | 315.8               | 1           |

\*Affordable house types

- 5.10 The tenure arrangements are proposed to be 6 discount market sale, 2 social rent and 2 affordable rent following the preferences expressed by those choosing to respond to an enquiry at a community. Officers have requested the mix be adjusted to comply with the policy requirement of 1 third for each of the three types, comprising 3 or 4 each of discount market sale, social rent and affordable rent. Any update to this mix will be provided to the Planning Committee meeting.

#### Design and Impact on the character of the area

- 5.11 Local Plan Policy E1: Design states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. Development should respond positively to its context, draw inspiration from its surroundings, contribute to local distinctiveness, create safe accessible environments which maximise health outcomes whilst making efficient use of land.
- 5.12 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.
- 5.13 The allocation policy STL1 indicates that a design statement will be required to show how the development will successfully integrate with the surrounding area and the neighbouring residential area. The statement will also need to address the constraints and opportunities of the site, whilst also paying attention to scale, height, massing and density to guard against impacts of overshadowing and overlooking of the neighbouring property to the north of the site.
- 5.14 The Design and Access Statement identified the main constraints and opportunities to be:
- Location of access point from South Back Lane
  - Relationship to existing properties to minimize impact and protect amenity
  - Retention where possible of existing hedgerows and trees and respecting root protection zones
  - Footpath link through site to Stillington Sports and Social Club
  - Provision of a broad mix of dwelling types to complement the existing housing stock, including affordable homes and bungalows
  - New housing and increase population helping to sustain local services
  - Contributions towards local services through CIL
  - Generation of employment during construction process
- 5.15 In addition to the above the applicant has identified the following factors as influencing the layout:
- Respecting privacy and amenity of adjacent existing properties with appropriate relationship and scale,

- Respecting the character and densities of dwellings around the village, particularly those in the immediate vicinity,
  - Retention of existing trees and hedges wherever possible,
  - Provision of a pedestrian link to Stillington Sports and Social Club benefitting the occupants and wider community,
  - Improve the landscape buffer between the village and the Club.
- 5.16 The application is for 35 dwellings on 1.31ha of land. This gives a density of approx. 26.7 dwellings per hectare. The adjacent development to the north of the site has a density of approx. 24 dwellings per hectare. Given the density set out in the allocation policy it is considered that the density strikes a balance between maintaining the grain of the settlement against the efficient use of land.
- 5.17 The proposal makes use of the existing vehicular access points through Chantry Gardens and Thompson Garth as outlined in the allocation policy. further pedestrian access is provided through the centre of the site and to the south connecting to the recreation grounds. The landscaping scheme shows a 3.5m buffer on the northern boundary. This will be made up of a native hedge mix and native woodland mix. A 5m buffer was supposed to be planted as part of the development to the north, however, it appears that this never occurred. It is considered, however, that 3.5m is sufficient to provide privacy between the developments. The buffer will also help to integrate the development into its surroundings, softening the built form and contributing to Biodiversity Net Gain.
- 5.18 The development will be somewhat visible from Carr Lane to the west where gaps in the existing hedgerow allow views across the site. This will be mitigated, however, by the existing open paddock between the western boundary of the site and Carr Lane and to the south of Soutersfield. This paddock will be undeveloped and therefore the impact on the character of this part of the village will be minimal. In addition to this the development will not encroach any further south than that on the western side of Carr Lane.
- 5.19 The individual designs of the dwellings are traditional in form with a mix of single and two storey properties. Decorative detailing such as soldier courses, eaves detailing, window heads and door surrounds are reflective of the dwellings found within the Stillington Conservation Area.
- 5.20 In terms of form and character therefore, it is considered that the development will integrate well with the existing settlement and will not have a significant impact on the character of the area.

#### Heritage

- 5.21 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Stillington Conservation Area.
- 5.22 Paragraph 195 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by



development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 5.23 Paragraph 197 of the National Planning Policy Framework states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.24 Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.25 The Stillington Conservation Area boundary runs along the north side of South Back Lane approx. 57m to the north of the application site. The designation document indicates that Stillington is an attractive street village, slightly elevated above the surrounding countryside and gains much of its distinctive character from the changes in level and steeply banked verges along its main street. The village mainly comprises of brick cottages in the vernacular tradition together with a number of more imposing 18th and 19th century houses and limited modern development for the most part these relate well to one another creating a most attractive and virtually continuous frontage on both sides of the Main Street.
- 5.26 In addition to the buildings themselves another feature which make an important contribution to Stillington's appearance is the changes in level created by the rise and fall of the main road itself and the wide verges steeply banked in places which run the length of the Main Street.
- 5.27 Since the designation of the Conservation Area, however, the pattern of development has been somewhat eroded. The form and character of the long back land plots identified in the designation document have been eroded by development facing onto South Back Lane.
- 5.28 As the site is separated from the Conservation Area by phase 1 and given the erosion of the settlement form mentioned above it is considered that the proposed development would not have an impact on the significance of the Conservation Area.

#### Amenity

- 5.29 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both

future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. Amongst other criteria a proposal will be required to ensure adequate daylight/sunlight, good relationships between buildings, preservation of privacy, protection against noise and that any adverse impacts be made acceptable. The policy also requires provision for bin storage and adequate amenity space.

- 5.30 The relationship and space between dwellings allows for light permeation throughout the site. Dwellings are oriented in a manner that will not result in significant overshadowing of neighbouring plots. Separation distances of 18-22m are achieved where principal elevations face each other. In terms of the relationship to the existing dwellings on phase 1 all of those closest to the boundary have either a side to rear relationship or a side-to-side relationship. Where a side to rear relationship exists separation distances of approx. 12-17m are achieved. The only rear-to-rear relationship is between plots 24-25 and 5 South Back Lane, the separation distance here is over 40m.
- 5.31 The rear of each plot can be accessed externally either from the front or from rear parking areas which allows for safe and secure storage of both bins and bicycles. Some of the plots also feature garages which can also be used for secure storage of bicycles.
- 5.32 The site is in proximity of the Stillington Social Club. A concern exists that the use of the social club could give rise to complaints from new residents. This falls within the concept of the “agent of change” set out in the NPPF paragraph 187. The social club is both relatively distant and it is likely that most noise and activity associated with the social club will be on the south side of the building, facing the playing fields and therefore less likely to give rise to disturbance to the new residential neighbours, less likelihood of complaint and less likely to require any changes to the operations of the social club.

#### Drainage and flood risk

- 5.33 Policy RM3 states A proposal will only be supported where surface water and drainage have been addressed such that:
- surface water run-off is limited to existing rates on greenfield sites, and on previously developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
  - where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
  - wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;
  - if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a

system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;

- if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
- SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.

5.34 The site is in Flood Zone 1 with a low risk of surface water flooding. There is an overland flow route running north to south on the western side of the boundary and this area is known to be prone to surface water flooding.

5.35 Percolation testing was undertaken, and it was found that due to ground conditions the site is unsuitable for soakaway drainage. The nearest watercourses are St John's Well (Chalybeate) 350m to the south and the Foss almost 1km to the east. Due to the distance and intervening third party land drainage to a watercourse is not considered feasible.

5.36 The drainage strategy therefore proposes to discharge surface water to an existing highway drain and ultimately into the public sewer network. It is intended that the system be adopted by Yorkshire Water. The drainage strategy drawing indicates that that applicant intends to restrict discharge to 2.1l/s via a flow control chamber and a hydrobrake system. The discharge rate is equal to the greenfield runoff rate for the site. Yorkshire Water, however, have indicated that in order to adopt the system a higher rate of discharge may be required.

#### Highways safety

- 5.37 Policy IC1 states that the Council will seek to ensure that development is supported by the timely delivery of necessary infrastructure and facilities by:
- requiring that proposals for development are capable of being accommodated by existing or planned infrastructure and services and do not have an unacceptably harmful impact on existing systems, in each case this is to be established by appropriate assessment or investigatory work;
  - requiring developers to provide, or meet the costs of providing, the infrastructure, facilities and/or mitigation necessary to make their proposed developments acceptable in planning terms;
  - ensuring suitable arrangements are made for ongoing maintenance where infrastructure and facilities are directly provided;
  - requiring that the delivery of development is coordinated with the delivery of new or improved infrastructure and services and causes minimal disruption to existing provision; and
  - working with developers and infrastructure/service providers to identify viable solutions for the delivery of infrastructure and services to support sustainable development.

The nature and scale of planning obligations sought will depend on the form of development and the impact it is considered to have upon the surrounding area on the basis of documentary evidence. Infrastructure and facilities should be provided on site.

5.38 Policy IC2 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 only be supported where it is demonstrated that:

- 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, to include retention, where relevant, and enhancement of existing rights of way;
- any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England;
- 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, taking account of:
  - i. highway safety and access to, from and in the vicinity of the site;
  - ii. the accessibility of the development to services and facilities by walking, cycling and public transport;
  - iii. the needs of potential occupiers, users and visitors, now and in the future;
  - iv. the amenity of existing and future occupiers and users of the development and nearby property; and
  - v. opportunities for shared provision, where locations and patterns of use allow.

5.39 The development will be accessed via two points, one through Chantry Gardens serving 15 dwellings and one through Thompson Garth serving 20 dwellings. The developer intends to have these access roads adopted, including the existing Chantry Gardens and Thompson Garth. Ownership and maintenance will therefore transfer to the Highways Authority. The Highways officer has confirmed that the existing roads, although currently private, are to adoptable standard. The two access roads will not allow through vehicular traffic, however, they will be linked by a pedestrian and cycle path. A further pedestrian link will join the site to the recreation grounds.

5.40 North Yorkshire County Council Highways Officers have not raised any objections to the proposals and recommend conditions relating to detailed design, parking and construction management.

## Biodiversity

- 5.41 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. Paragraph 6.46 of the supporting text states that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated.
- 5.42 The relevant metric tool has been submitted. The results indicate that the development will result in a net gains of 6.38% for habitat units and 28.27% for hedgerow units. A separate Preliminary Ecological Appraisal (PEA) was also submitted in support of the scheme. The PEA identifies that the habitats within the application site comprise improved grassland, a small plantation and hedgerows with trees. There are no statutory or non-statutory sites within the site boundary. A field survey was carried out to determine the presence or potential for birds, invasive species, bats, badgers, hedgehogs, Great Crested Newts (GCN) and reptiles.
- 5.43 The site is suitable for nesting birds with various designations. Any trees and hedgerows to be removed should be cleared outside of the bird nesting season (i.e. clearance should be undertaken between mid-September and early February inclusive) or be carefully checked by an ecologist to confirm no active nests are present - prior to removal during the summer period. If nesting birds are found during the watching brief, works will need to stop until the young have fledged.
- 5.44 In relation to bats no potential roost sites exist within the application site, predominantly due to an absence of buildings or suitable features within trees. The submitted report finds that the wider area supports an abundance of more suitable woodland and wetland habitats, which offer alternate foraging and commuting habitat for bats. The site is heavily farmed, consequently, the application site is sub optimum for foraging and commuting bats and is not considered integral to the favourable population status of local bat populations. No further surveys are recommended. The report does recommend that 6 bat boxes be installed on site. The position of these is shown on the proposed site layout. Recommendations are also made with regard to developing a suitable lighting scheme.
- 5.45 With regard to Great Crested Newts (GCN) the evidence collected from the field and desktop studies indicate that the likelihood of the presence of GCN in the application site is decreased. This is due to factors such as absence of records within 250m of the site, no suitable ponds, exposed nature of the site, surrounding urban area including roads, walls buildings etc. No further surveys for GCN are recommended.
- 5.46 No invasive species were recorded on site and no further surveys are recommended for badgers, hedgehogs and reptiles.

## Planning balance

- 5.47 The proposal will create new homes on an allocated housing site. The development will result in social gains through the provision of new homes

particularly the affordable homes, environmental gains are achieved through new planting and these gains outweigh the harm through the loss of the open land. An economic gain will be found during construction and an ongoing modest gain through the continued occupation of the new homes. On balance the scheme is found to be a sustainable form of development and subject to resolving the final matters of the mix of affordable housing tenures and details of the drainage scheme sought by the Local Lead Flood Authority can be recommended for approval.

## 6.0 Recommendation

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered:

Site Plan, 3715-PD-10 Revision D received 07.02.2023

Detailed Landscape Proposals, 3920/1 Revision E received 24/01/2023

Garages, 3715-PD-25 Rev A Received 22/11/2022

Self Build 4 Bed Detached House – Elevations 3715-PD-27 Rev B Received 06/02/2023

Self Build 4 Bed Detached House: Plans 3715-PD-26 Received 30/08/2022

The 1BH House Type, 3715-PD-11 Rev C Received 06/02/2023

The AB2 House Type - Semi Bungalow, 3715-PD-12 Rev A Received 22/11/2022

The Ainsty House Type - Det W/ Int Garage, 3715-PD-23 Rev A Received 22/11/2022

The Cundall House Type - Bungalow, 3715-PD-13 Rev B Received 22/11/2022

The Denby House Type - Detached, 3715-PD-18 Rev B Received 22/11/2022

The Doulton House Type - Detached, 3715-PD-17 Rev B Received 22/11/2022

The Flawith House Type - Det Bungalow, 3715-PD-20 Rev A Received 22/11/2022

The Hepton House Type - Semi, 3715-PD-16 Rev B Received 22/11/2022

The Linton House Type - Semi, 3715-PD-14 Rev C Received 06/02/2023

The Marton House Type - Semi, 3715-PD-28 Received 06/02/2023

The Newton House Type - Detached, 3715-PD-21 Rev B Received 22/11/2022

The Spode House Type - Semi, 3715-PD-19 Rev B Received 22/11/2022

The Stillington House Type - Det Bungalow, 3715-PD-22 Rev A Received 22/11/2022

The Whixley House Type – Det W/ Int Garage, 3715-PD-24 Rev B, Received 22/11/2022

The Wistow House Type - Semi, 3715-PD-15 Rev B Received 22/11/2022

### Materials

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

### Roads and sewers

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

### Road construction

5. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

### Parking provision

6. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

### Construction management

7. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

#### Contaminated land assessment and mitigation

8. No development shall be commenced until a Phase 1 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. Where contamination is suspected, 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.

#### Unexpected contamination

9. In the event that unexpected contamination is found at any time when carrying out any approved development work, 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.

#### Landscaping scheme

10. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan Detailed Landscape Proposals 3920/1 Revision E received by Hambleton District Council on 24.01.2023 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

#### Finished floor and ground levels

11. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

#### External lighting

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. The lighting scheme shall take into account the recommendations outlined at paragraphs 8.2.5.5 and 8.2.5.6 of the Preliminary Ecological Appraisal prepared by Wold Ecology Ltd and received by Hambleton District Council on 30.08.2022.



The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 Development Plan.
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 Plan Policies S1 and E1.
4. 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.
5. 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.
6. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. In the interest of public safety and amenity
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. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with the Local Plan Policies S1, E1 and E7.
11. To ensure that the development is appropriate in terms of townscape and landscape impact in accordance with policy E1, E2 and E7.
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 S1 and E2.