



The Planning Inspectorate

Examination of the Hambleton Local Plan

Inspectors: Matthew Birkinshaw BA(Hons) Msc MRTPI

and Steven Lee BA(Hons) MA MRTPI

Programme Officer: Helen Conlon

Email: helenconlonPO@gmail.com Phone: 07771 884130

James Campbell
Planning Policy Manager
Hambleton District Council
Civic Centre
Rotary Way
Stone Cross
Northallerton
DL8 2UU

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Dear Mr Campbell,

1. We write further to the examination hearing sessions, which concluded in November 2020. At the hearings we committed to writing to the Council regarding the preparation of additional evidence, and to set out our initial findings on soundness matters which were not agreed during the sessions. Both are addressed below.

Additional Evidence

2. As you will recall, the Council confirmed during the hearings that a Sustainability Appraisal ('SA') Addendum would be required to appraise the scale and distribution of employment land proposed in the Plan, having particular regard to the location of strategic sites. The other key piece of evidence required to progress the examination is the Gypsy and Traveller Accommodation Needs Assessment ('GTAA') Update and associated Site Capacity Study. We understand that both are nearing completion.
3. Based on discussions to date, the Council's position is that Main Modifications *may* be required to Policy HG6 (Gypsies, Travellers and Travelling Showpeople) as a result of the updated GTAA. As you will appreciate, before we can reach a conclusion on potential changes to the Plan the additional evidence will need to be published, consulted on by the Council and may need to be discussed at a further hearing session. Consultation will also be required on the SA Addendum, and for completeness, on the latest Habitats Regulation Assessment ('HRA') accounting for post-submission dialogue with Natural England. Clearly this will have implications for timescales going forward, and unfortunately, delay consultation on the proposed Main Modifications.

4. At the hearing session on Wednesday 21 October 2020, the Council's consultants suggested that a Main Modification may be required to the housing requirement to account for changes to economic activity rates. We asked the Council to clarify the position through a briefing note. This note has now been completed, and, having considered the latest information, presents a different conclusion to the one suggested at the hearing. In the interests of fairness to the participants of that session, the note should also be made available for comment. Whilst ordinarily the scope of such consultation would not be the same as for the SA Addendum, rather than having multiple consultations running, which could become confusing for people following the examination, it is recommended that the housing note is circulated at the same time as the updated GTAA, SA Addendum and HRA.
5. You will also recall that during the examination it became apparent that a small number of representors were omitted from the consultation database in error and were not notified of the hearings. Any person who makes representations seeking to change a development plan document must (if they so request) be given the opportunity to appear before and be heard by the appointed Inspector(s). Based on correspondence to date, an additional hearing day is therefore likely to be required to hear from those representors omitted from the initial notification.
6. Finally, the Council will be aware that there are a number of other pieces of work referred to at the hearing sessions that are still outstanding. In responding to this letter please can you provide an update and timetable for their completion?

Soundness Matters

7. The following comments are made in addition to the Main Modifications that we advised would be necessary during the hearing sessions. Consultation on the SA Addendum, the GTAA and any further evidence provided or heard at subsequent hearing sessions may also result in the need for further changes to the Plan. However, where we feel that we are in a position to comment on outstanding soundness matters, these are set out below.

Site GTA1 – Skottowe Crescent, Great Ayton

8. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the National Planning Policy Framework ('the Framework') states that great weight should be given to the asset's conservation (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.
9. Site GTA1 is situated to the north of the Grade I Listed Church of All Saints and the Grade II* Listed Ayton Hall. Due to their proximity and existing use the fields form an important part of the setting to the listed church and hall. Their open, rural appearance contribute positively to the landscape character of the village and to the significance of both assets. For the same reasons the site also makes a positive contribution to the setting of the Great Ayton Conservation Area.

10. Having visited the site and considered the evidence presented, we concur with Historic England that the encroachment of built development, the subsequent loss of openness and inevitable urbanisation of the site would detract from the setting of the Grade I listed church and Grade II* listed hall. We appreciate that the final design and layout of the development would be determined at a planning application stage. It is also noted that a gap could be left between the proposed houses and the church, with the intention to reinstate a field strip to the west of the site. However, by developing the currently open land to the north, we fail to see how the allocation could be delivered in a way that would preserve the setting of the Grade I listed Church of All Saints and Grade II* listed Ayton Hall. Although the harm caused would be less than substantial, it would nonetheless still be material. Based on the information provided this would be not outweighed by the public benefits of 30 new dwellings in the village.
11. The site is therefore not justified, contrary to national planning policy and should be deleted from the Plan. Consequential changes will also be required to the submission version Policies Map and to the housing trajectory. In responding to this letter, please can the Council confirm what implications the deletion of this site will have on housing supply and the spatial strategy?

Site LEB3 – Aiskew Moor, Leeming Bar

12. The proposed employment allocation at Leeming Bar includes around 10 hectares of 'safeguarded land'. It is intended to be delivered beyond the end of the plan period.
13. At the hearing sessions the Council confirmed that there is no justification for including the area of safeguarded land within the allocation given the amount of employment land already proposed in the Plan. Instead, the designation is intended to provide a 'direction of travel' for a subsequent Local Plan review. However, the future need, scale, type and distribution of employment land is yet to be decided. At this stage, it is not inevitable that the site would be required for the uses envisaged. Based on the information provided the area of safeguarded land is therefore not justified and should be deleted.
14. To the south and south-west, the site is bounded by existing residential properties on Low Street, Lowlands Drive, Ashlands Drive and to the south of the railway line on Northallerton Road. As submitted, Policy LEB3 states that appropriate measures to mitigate for noise and other adverse amenity impacts must be incorporated. Such measures should include physical features such as landscape buffers, the layout of areas for service and vehicle movements and appropriately designed lighting, as well as restrictions on hours of operation as necessary. It specifically refers to the provision of a 25m wide landscape buffer.
15. Due to the proximity of residential properties to the site, the type of uses proposed and the cumulative effects of existing commercial development in Leeming Bar, we are not persuaded that a 25m buffer would be adequate in all circumstances to mitigate harmful impacts from noise and disturbance. Whilst it is appropriate for the Plan to identify the need for a buffer, its size should be based on the scale, layout and design of any proposed buildings and evidence relating to their intended use and operation. The policy should

therefore set out how the Council will expect to identify the extent of any buffer as part of the planning application process. A similar approach to that used for Site TIS3 (which requires applicants to show how the development will successfully integrate with the surrounding area and the neighbouring residential area) may be appropriate. However, we invite the Council to suggest for our consideration how it would approach any changes to the policy wording in order to ensure that the site can provide a satisfactory relationship between new commercial development and existing residents.

Site AIB3 – Bedale Car and Coach Park

16. Despite allocation in the *Hambleton Allocations Development Plan Document* ('DPD'), and the grant of planning permission in 2016 (now lapsed), the proposed Bedale car and coach park has not come forward for development. Paragraph 4.67 of the Plan confirms that the Council is still exploring the likely costs of acquiring and developing the site, and that it will "...take some time to secure funding". We therefore have serious concerns about the deliverability of the site within the plan period and the effectiveness of the allocation.
17. Furthermore, since adoption of the *Hambleton Allocations DPD* in 2010 the A684 bypass has been completed. The bypass has already had an obvious urbanising impact on the rural setting of Bedale and the site provides a physical buffer between the road and the town. The open character and appearance of the site contributes positively to the northern approach into Bedale and to the setting of the Bedale Conservation Area.
18. By redeveloping the site, we share the concerns raised by Historic England that the cumulative effect of development would be harmful to the setting of the Conservation Area and thus its significance as a designated heritage asset. It is appreciated that the Council has sought to modify Policy AIB3 by reducing the number of spaces and removing reference to 'associated facilities'. Additional planting could also be provided. Nevertheless, the car and coach park would still significantly alter the character and appearance of the site through the introduction of areas of hardstanding, parked cars and coaches, lighting, signage and other associated features.
19. In reaching a conclusion on the soundness of Policy AIB3 it is also noted that the project would help to alleviate parking pressures in the town. But no information has been provided to suggest that the creation of the bypass has led to any significant concerns that the creation of a new car park, in this location, would help to resolve. In summary, the allocation is therefore neither justified nor effective and should be deleted.

Site CRK1 – North of Crakehall Water Mill, Little Crakehall

20. It was established at the hearings that providing a connection to the existing Public Right of Way would not be possible as it is under the control of a third party. The requirement in Policy CRK1 is therefore not deliverable and should be deleted.

Site STK1 – North of The Stripe, Stokesley

21. The development requirements state that vehicular, pedestrian and cycle access points are to be taken from Westlands, with secondary/emergency access taken from Hebron Road/The Stripe. However, the Plan also indicates that trees to the rear of The Stripe should be retained. The development requirements are therefore internally inconsistent and Policy STK1 ineffective. When also taking into account that alternative options exist to provide a secondary/emergency access from Hebron Road, reference to The Stripe should be deleted from the development requirements.
22. Finally, for all the allocations, Policy HG1 and the development requirements set out a precise figure for the total number of new homes proposed. To provide flexibility as part of the design process, and in the interests of effectiveness, the Plan should refer to figures as 'approximate', or, give an 'indicative' capacity.

Policy HG2 – Delivering the Right Type of Housing

23. Footnote 46 of the Framework states that policies may make use of the Nationally Described Space Standard ('NDSS') where the need for an internal space standard can be justified. Although not exhaustive, the Planning Practice Guidance ('PPG') provides an overview of the type of evidence that might be used to demonstrate the justification for use of the NDSS.¹ This includes evidence on the size and type of dwellings currently being built in the area.
24. Whilst reference has been made to the Council's concerns over the size of new housing provided in recent years, no evidence has been provided to demonstrate a need for all new homes to meet the NDSS in Hambleton. In the absence of such information, Policy HG2(g) is not justified and should be deleted.
25. Similarly, Policy HG2(h) requires *all* homes to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. It reflects footnote 46 of the Framework which states that planning policies for housing should make use of such standards. But the Framework and the PPG require policies to address an identified need for such properties. The PPG advises that there is a wide range of published official statistics and factors which local planning authorities can consider and take into account when determining the need for such policies. This includes the likely future need for housing for older and disabled people, the size, location, type and quality of dwellings needed to meet specifically evidenced needs, the accessibility and adaptability of existing housing stock, how needs vary across different housing tenures and the overall impact on viability.
26. Whilst the Council has referenced the expected increase in Hambleton's elderly population, this is only one factor in the overall consideration of need. At present the requirement for all schemes to meet M4(2) standards is not justified. We therefore invite the Council to either provide additional

¹ Paragraph: 020 Reference ID: 56-020-20150327

information to justify Policy HG2(h), or, suggest for our consideration an alternative means of making the policy sound.

27. Policy HG2(h) also requires 'a proportion' of homes on large scale developments to meet the enhanced Building Regulation M4(3) 'wheelchair adaptable dwellings'. The supporting text states that currently 9% of new market homes and 30% of new affordable homes should meet M4(3) standards, but precise levels of need will vary in response to circumstances at the time a planning application is determined.
28. As discussed at the hearings, there is no substantive evidence to justify the percentages set out in the supporting text. Suggested Main Modification M103 (Examination Document LP03) would therefore be necessary. However, without any guidance on the 'proportion' of dwellings to be provided, the policy remains unclear and ineffective. As with the requirements for M4(2) housing, we therefore invite the Council to set out for our consideration how this could be rectified to ensure that Policy HG2 provides sufficient clarity to be effective, is justified and sound.
29. The final requirement of Policy HG2 states that at least 10% of dwellings on major development schemes should be bungalows. As discussed at the hearings, Policies HG2(f) and HG5(c) already require a range of house types and sizes to be included as part of proposals for new housing, having regard to needs set out in the Strategic Housing Market Assessment ('SHMA') or successor documents. Indeed, the supporting text makes reference to this and can continue to do so as part of a general reference to the findings of the SHMA. On this basis, criterion i. should be deleted.

Policy HG4 – Housing Exception Schemes

30. It was agreed at the hearing session that the phrase 'whichever is lower' should be removed from criterion c. in order to be consistent with paragraph 71 of the Framework. For the avoidance of doubt, we also find that 'local housing' should be removed for the same reason.

Policy E1 – Design

31. Policy E1 requires the masterplanning process for a large-scale major development (defined as over 200 dwellings/4 hectares for residential uses and 10,000 square metres/2 hectares for commercial uses) to include a design code. Whilst we recognise the importance of such tools in achieving high quality design, there is limited evidence to justify the thresholds used. Moreover, the policy already establishes that design codes will be necessary where it is known from the outset that the site will be developed in more than one phase or by more than one developer, which is the main reason for the policy. Relying on this approach, rather than a blanket requirement based on scale, is more likely to be an effective approach.

Next Steps

32. We fully appreciate the difficulties facing the Council with the current restrictions in place as a result of the Coronavirus pandemic. However, to assist ourselves and participants following the examination we would be grateful if the Council could produce a timetable setting out the expected dates for completion of the additional work, anticipated start and end dates for consultation and indicative dates to hold the final hearing sessions, as required.
33. As for the soundness issues identified above, we trust that the necessary changes are all self-explanatory, and that you are able to accommodate the amendments into the schedule of Main Modifications already in preparation. The Council should note that these comments do not represent our full findings on these matters, which shall be set out in the final report having considered any representations made during consultation on the Main Modifications. As identified above, further changes to the Local Plan may also be necessary in light of additional evidence prepared by the Council.
34. We have asked the Programme Officer, Helen Conlon, to upload a copy of this letter to the website for those following the examination, but we are not seeking any comments from participants at this stage. In the meantime, should you have any queries, please do not hesitate to contact us.

Yours sincerely,

Matthew Birkinshaw and Steven Lee

Inspectors