

Parish: Thirsk
Ward: Thirsk
17

Committee date: 18 October 2018
Officer dealing: Miss R Hindmarch
Target date: 26 October 2018

18/00331/FUL

Demolition of existing buildings and erection of 112 dwellings with associated open space, access and infrastructure

At: Austin Reed Ltd, Station Road, Thirsk

For: Bellway Homes Ltd (Yorkshire Division)

This application is referred to Planning Committee as the proposal is a departure from the development plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located on the western edge of Thirsk, close to Carlton Miniott. The site is 3.94 hectares and currently contains the vacant buildings that were previously used by Austin Reed Ltd, as a place for clothing manufacture; the site has been largely vacant since Austin Reed closed in 2016. The current factory buildings are set back from the road with areas of green space acting as a buffer; there are a number of mature trees located within the greenspace. The site is located within the Development Limits of Thirsk and is Brownfield Land.
- 1.2 The site is located in an area of mixed use on the south side of the A61 close to Thirsk Train Station to the north west. To the north of the site on the opposite side of the A61 is Thirsk Racecourse, beyond which are agricultural fields. To the east of the site is a mixed used development that consists of a Care Home, vacant land and various commercial and office uses beyond which is residential development along Station Road leading towards Thirsk Town Centre. To the south are agricultural fields leading down to the Sowerby Gateway development which lies further to the south. To the west is Saxty House, a residential property with associated outbuildings to the rear, beyond Saxty House there are further residential properties and a public house.
- 1.3 There is a public right of way that leads south from the A61 behind the residential properties that are located to the west of the site and to the rear of the application site itself, the footpath then heads south and links up to Sowerby at Green Lane West. The proposed layout includes a footpath up to the southern boundary of the site to allow a link to be provided to this public right of way.
- 1.4 The application seeks consent for the redevelopment of the site for residential purposes. It is proposed to demolish the existing buildings on the site and construct 112 dwellings with associated infrastructure. The mix of dwellings proposed is as per the table below

| | | |
|---------------------|---------------------|-----|
| Market Units | 4 bedroom | 33 |
| | 3 bedroom | 21 |
| | 2 bedroom | 51 |
| | 2 bedroom bungalows | 7 |
| Total | | 112 |

- 1.5 The dwellings proposed are mainly two-storey, comprising a mix of detached and semi-detached houses with some bungalows also provided. There are no affordable dwellings proposed.
- 1.6 The materials to be used consist of a mix of facing brick with an element of render with a mix of red and grey roof tiles (final details to be agreed through condition). Rear garden areas will generally be enclosed by 1.8m high timber fencing with those on corner plots that are visible from the street scene being enclosed by 1.8m high brick wall. 0.9m high estate railing will be used in part along the properties close to the entrance of the site as this will mark the boundary between the open space areas and the highways and/or property boundaries.
- 1.7 The main areas of open space are provided to the front of the site, there will be additional planting provided within the open space and along the road frontage. A play area will also be provided, final details are to be agreed through condition however the draft plan indicates a well-equipped play area together with seating and footpaths.
- 1.8 Due to the presence of the existing buildings on site and their floor space in comparison to the floor space proposed the development is exempt from the Community Infrastructure Levy.
- 1.9 Improvements have been sought in relation to the comments made by the Designing Out Crime Officer, the highway layout has been amended in response to comments received, the siting of the bungalows altered in response to Officer concerns

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 It is considered there is no site history relevant to this proposal.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP6 - Distribution of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP8 - Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP12 - Delivering housing on "brownfield" land
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP15 - Promoting and maintaining affordable housing

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains
Affordable Housing Supplementary Planning Document (SPD); adopted 7 April 2015
Open Space, Sport and Recreation SPD; adopted 22 February 2011
Sustainable Development SPD; adopted 22 September 2009
Size, Type and Tenure of New Homes SPD; adopted September 2015
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – Recommend approval. Would like to see speed limit reduced to 30 mph to the east of the development and measures incorporated to prevent overspill parking from the railway station.
- 4.2 Highway Authority – comments have been received that advise that the internal layout of the estate roads meet the design standards of the Highway Authority, formal comments regarding the suitability of the A61 as a means of access to the site are awaited however it has been confirmed the Highway Authority are satisfied with the submitted transport assessment and supporting information. A further update will be provided.
- 4.3 Environmental Health – no objections
- 4.4 Police & Architectural Liaison Officer – overall design and layout of the proposed scheme considered acceptable subject to two small amendments relating to boundary treatments for certain plots (Officer note: the required changes have been implemented).
- 4.5 Public Rights of Way – no objections raised
- 4.6 NYCC Education – no requirement for developer contribution. There is capacity at Thirsk Community Primary School.
- 4.7 Local Lead Flood Authority – no objections subject to conditions
- 4.8 Yorkshire Water – no objections subject to conditions and note that there is no restriction on the capacity of the foul sewer downstream of the site to preclude development of the site.
- 4.9 Swale & Ure Drainage Board – no objections, consent should be sought from the Board if required.
- 4.10 Network Rail – no observations to make
- 4.11 Contaminated Land Officer – no objections subject to conditions
- 4.12 Environment Agency – no comments received
- 4.13 NY Fire & Rescue – consulted as a neighbour, no comments received

- 4.14 Public comments – an objection has been received from a resident within Thirsk and two objections from residents on Station Road, these raise concern over the traffic impact, drainage, sewerage, pressure on local services and seeking retention of landscaping features.

A representation was also received from the neighbouring care home which raised no objection in principle but requests conditions for working hours, restricting mud on the highway, dust, noise and vibration.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are:

- (i) the principle of development;
- (ii) affordable housing and housing mix;
- (iii) design of the dwellings and the impact on the character and appearance of the area;
- (iv) highway issues;
- (v) residential amenity;
- (vi) flooding and drainage;
- (vii) landscaping, open space ecology; and
- (viii) land contamination issues

Principle

- 5.2 The site is considered to be brownfield land, Policy CP1 of the Local Development Framework (LDF) states development should utilise previously developed land ('brownfield' land), where that land is in a sustainable location. Policy CP2 of the LDF states development should be located so as to minimise the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided. Policy CP4 states development of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the Development Limits of the settlements in the hierarchy.
- 5.3 The site is located within the Development Limits of Thirsk which is a Principal Service Centre within the Settlement Hierarchy, the Local Development Framework directs development to service centres. The site is considered to be in a sustainable location, it is within convenient walking distance to the train station, there is a bus stop close by, and services within the town are also accessible by foot or cycle.
- 5.4 The proposed development is considered to be a natural infill of the site with a scale of development that is considered appropriate to its location within the limits of Principal Service Centre.
- 5.5 LDF Policy DP17 seeks to retain employment sites and states sites and premises used and/or allocated for employment purposes will be safeguarded for that use. Permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted unless the development fulfils at least one of four criteria listed. Criteria ii is relevant to this proposal and states 'evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future'.

- 5.6 The site is not allocated for employment use but its most recent use was for employment as the Austin Reed Ltd site. The applicant has submitted information relating to the marketing of the site for employment uses. The site has been actively marketed from early summer 2016 for approximately 18 months by a firm of national agents that specialise in commercial property sales. The supporting information states 8 enquires have been made, of these 4 related to residential development, 1 related to a care village and 3 related to employment uses. Of the three enquiries regarding employment none progressed beyond the initial enquiry stage.
- 5.7 The Housing and Economic Development Needs Assessment (HEDNA) published in June 2018 makes reference to Thirsk and the Austin Reed site. The report states there is a considerable amount of available industrial floor space in Thirsk, however this includes the Austin Reed site, which as it was built for a specific occupier may prove difficult to reuse. This is relevant to the criteria relating to the loss of employment land within DP17 in that it suggests a new user of the site may be difficult to find and accords with the report of the sellers agent.
- 5.8 It is considered the proposed redevelopment of this site does conform with policy DP17 given that the site has been actively marketed for a reasonable amount of time and no new employment use can be found for the site.
- 5.9 The site has also been assessed for alternative uses through the preparation of the new development plan, this new local plan is not currently at a stage where it can be taken into account and although noted the potential allocation of the land for development cannot carry any weight in the determination of this application.
- 5.10 Given the location of the site within the development limits of Thirsk and as a sufficient attempt has been made to market the site and seek an alternative employment use the redevelopment of the site for housing is considered to be acceptable in principle.

Affordable Housing and Housing mix

- 5.11 LDF Policy CP9 states that housing developments of 15 or more dwellings in the Service Centres must make provision for an element of housing which is accessible and affordable to those unable to compete in the general housing market with the Service Centre of Thirsk having a target proportion of 40% affordable housing provision.
- 5.12 When the application was submitted the applicant considered the Vacant Building Credit applied to the site and given the floor space of the existing buildings on the site and the 'credit' this provided in terms of affordable housing provision there was no requirement for affordable housing on the development. At that time the Vacant Building Credit formed part of a Written Ministerial Statement (WMS). However the starting point for the determination of a planning application is the development plan unless material considerations indicate otherwise, the WMS is capable of being such a material consideration.
- 5.13 The WMS stated that by lowering the cost of construction it seeks to encourage development on brownfield site and diversify the housing market by assisting small and medium sized developers. Bellway Homes, as a national housebuilder is not considered to be a small or medium size developer and ultimately the WMS was not intended to assist developers of this scale. It was therefore considered the WMS was not a material consideration that would justify a departure from the development plan.
- 5.14 There is a clear policy requirement for affordable housing in the LDF Policies CP9 and DP15. Policy CP9 allows that affordable housing provision may be adjusted according to viability evidence. Subsequently the applicant carried out a viability

appraisal and submitted a report that concluded it is not viable to provide on affordable housing at the site. This report was assessed by the council's preferred consultant who concluded the residual land value produced by the applicant in respect of the site appears to be reasonable and in line with other residential development site sales in the local area. Accordingly the viability assessment showed that the provision of affordable housing was not viable and the development of the site without affordable housing would not breach the LDF policies. Further consideration of the matter has identified that grant funding from Government may be available to secure affordable housing on the site.

- 5.15 The NPPF 2018, published after the applicant carried out the viability assessment now includes the provision of Vacant Building Credit. The NPPF states '*to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount*'. The reduction would be equivalent to the existing gross floorspace of the existing buildings, which in this case is greater than the proposed floorspace and would therefore result in an affordable housing provision of zero. The NPPF 2018 therefore provides further weight to the development of the site without affordable housing.
- 5.16 The housing comprises a mix of two, three and four bedroom properties, including detached and semi-detached houses and bungalows. A target mix is included in the Council's Supplementary Planning Document on size, type and tenure of new homes.

| Type | SPD Target % | No Units | % Units |
|-------------------|--------------|----------|---------|
| 1bedroom house | 10% | 0 | 0% |
| 2bedroom house | 35% | 51 | 45.5% |
| 3bedroom house | 25% | 21 | 18.75% |
| 4bedroom house | 10-15% | 33 | 29.5% |
| 2bedroom bungalow | 10% | 7 | 6.25% |

Table: Housing Mix compared against SPD Target Mix

- 5.17 Whilst the proposed mix is not strictly in accordance with the targets in the SPD it is considered that as the proposal provides 64.25% of dwellings that are two or three bedroom together with a provision of 7 bungalows achieves 70.5% 2 and 3 bedroom units and is acceptable and will provide for the size and type of housing shown to be required within the district.
- 5.18 Therefore, whilst the development does not entirely accord with the target mix set out in the SPD, it does deliver a mix of dwelling sizes as required by Policies CP8 and DP13.

Design and impact on the character and appearance of the area

- 5.19 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."

- 5.20 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.21 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 128 sets an expectation that applicants engage with the Council and the local community about the design and style of emerging schemes at an early stage. The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.22 The applicant has submitted a Design and Access Statement in support of the proposals in which they conclude *'the design team have proposed a sustainable and high quality living environment which makes efficient use of land in terms of housing numbers and density. The proposal is a well planned sustainable solution with dwellings which will meet high architectural standards alongside the creation of pleasant and well planned streets.'*
- 5.23 The Statement describes the character of the immediate surrounding area as having pockets of development with differing uses and it is acknowledged this is correct with commercial and residential uses present along this part of Station Road. Site features meriting retention are listed as the existing open greenspace along the frontage and some of the existing trees and boundary planting.
- 5.24 Community views were sought through written consultation with approximately 900 properties close to the development site and local Councillors. A public exhibition was also held in the town where the project team attended to speak to residents. Issues raised during the public consultation process have been considered by the technical reports submitted as part of this application. Some comments were received relating to design but were not specific for example 'looks to be a good, well thought plan' and 'generally in favour of what looks to be a good scheme'. There were no comments that raised specific design issues for the applicant to address or include in the scheme.
- 5.25 The Design and Access statement states the proposed development respects and maintains the character of the nearby existing settlement. Along Station Road there are residential properties that vary in size, style and design and it is considered the proposed house types will not unduly impact on the character or appearance of the area. Street scene drawings have been submitted and provide views of the key aspects that will be visible from Station Road, there is a mix of housing styles and a variety of materials that will provide interest within the street scene. The buildings on the site at present do not provide an attractive frontage and the redevelopment of the site will improve the visual amenity of the area. The site frontage does however benefit from a large area of green space.
- 5.26 A key design characteristic of the proposal is a village green feature at the entrance to the site, the development itself is generally set back from the road frontage and this respects the existing positioning of the current vacant buildings on the site. The use of this greenspace helps to soften the developments' impact whilst also providing opportunity for sports and recreation. There are a number of trees within this space that are to be retained including the main group closest to the front of the site; this will contribute to the overall visual amenity of the development. Further landscaping will

also be provided within the open space which will improve the visual appearance and impact of the development.

- 5.27 There is an existing mature hedge along the southern boundary, this is to be retained as part of the development, this is welcomed and will help to soften the visual impact from the south where there is a public right of way. The existing conifer trees to the western boundary are to be removed in part, the remaining part will be cut back and boundary fencing put in place. The existing building adjacent (Hambleton Grange) will provide some screening of the development when viewed from the east along Station Road.

Highway issues

- 5.28 The applicants have submitted a Transport Assessment and Travel Plan with the scheme, initial concerns were raised by NYCC Highways regarding the data used and further information was requested relating to the "ghost island" right turn lane and consideration of other transport modes for links into the town centre area were required. Updated information has been submitted by the applicant and NYCC Highways have been consulted, we currently await a formal response however the Engineer has confirmed they are satisfied with the revised information, an update with any further comments will be provided at the committee meeting.
- 5.29 In terms of the layout of the scheme and the parking provision, initial comments from NYCC required some amendments to be made, the applicant made the changes that were required and updated comments from NYCC confirm the layout is acceptable and confirm the parking standards are correct to NYCC specification.

Residential Amenity

- 5.30 Policy DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The nearest neighbouring properties lie to the west of the site, with Saxty House being the closest. The side elevation of one of the proposed bungalows would be closest to the boundary with Saxty House. The side of Saxty House faces the application site; the property has some secondary windows that face the site. The presence of the bungalow adjacent to this property will ensure there is no overbearing or overshadowing impact. In terms of overlooking the presence of the bungalow does not raise any concern in this respect, further back within the site are two storey dwellings that would back on to the rear garden area of Saxty House, these are set away from the dwelling itself and would not therefore unduly impact on the privacy of the dwelling itself. The rear elevations of the properties on this boundary are approximately 10m from the boundary. Given this distance and the siting of the proposed dwellings it is considered there will be no undue impact on the occupiers of Saxty House. The site has some slight changes in level close to this western boundary, a condition can be added to ensure the levels are acceptable in terms of the impact on this neighbouring property.
- 5.31 Other residential properties within the area are considered to be of a sufficient distance away to ensure there will not be an unacceptable impact on their amenity. It is also noted the Environmental Health Team have raised no objections to the proposal.
- 5.32 Comments have been received on behalf of the residential care, there is no objection in principle however it is requested construction hours are limited together with noise, dust and vibration. It is acknowledged there will be some disturbance during construction of the development however this will be temporary and can be suitably managed through an appropriate construction management plan. It is considered the

siting of the proposed dwellings will ensure there is no significant impact on the amenity of the residents of the care home.

- 5.33 In terms of the amenity of the occupiers of the proposed dwelling, the layout provides the required separation distances to ensure there is no unacceptable overshadowing or overbearing impact between the properties and also in terms of positioning and distance to habitable room windows. The properties along the eastern boundary adjoin a commercial/industrial area, there is high level timber fencing proposed along the boundary between the care home site and plots 18 – 21, the existing conifer hedging is to be removed however given the siting of the care home building in relation to the proposed dwellings it is considered the 1.8m high fence will be sufficient. The existing hedging to the rear of plots 22-32 will remain in place but will be cut back, 1.8m high fencing will also be erected along the boundary and it is considered this will provide sufficient screening from the commercial/industrial area beyond this boundary. The presence of this high conifer hedging raises concern in terms of overshadowing of the proposed dwellings. This part of the hedging is outside of the applicants control and they therefore can only carry out limited works. Its presence is a concern however it is acknowledged it is the rear elevations that face the hedging which is to the east, there is potential to cause some overshadowing however this would be throughout the morning only. Overall, it is considered the impact of this planting would not be significant and should any issue arise with the future occupants at the site it could be pursued through high hedge legislation. Plot 33 which is in the south eastern corner will have 1.8m fencing to the side boundary together with hedging, the side of this dwelling faces the eastern boundary, and it is considered the proposed boundary treatment will be sufficient to ensure satisfactory level of amenity.
- 5.34 To the rear of Saxty House on the western boundary there are a number of outbuildings that have been used for commercial purposes including vehicle repairs. The properties will have high level timber fencing along the boundary with these buildings and it is considered this will provide sufficient screening.
- 5.33 The southern boundary hedge is to be retained, there was some concern regarding the impact of this on the garden amenity space for the properties along this boundary and potential overshadowing however it is noted the land level drops away where the hedge is located and provided the hedge is maintained appropriately it is not considered there would be any undue impact and its retention is considered appropriate. It is further noted the proposed fencing along the rear boundaries of these plots is for metal paladin fencing, this will provide a secure boundary for the residents whilst allowing the hedge to thrive and also allow the residents to maintain the hedge.
- 5.35 In terms of the potential for crime and the impact this may have on the amenity of the occupiers of the proposed dwelling, the developed has been designed with this in mind the Police & Architectural Liaison Officer has stated the overall design and layout of the proposed scheme is considered acceptable subject to two small amendments relating to boundary treatments for certain plots. The applicant amended details in accordance with these comments.

Flooding and Drainage

- 5.36 The Flood Risk Assessment states that foul water will discharge to the public foul sewer. Yorkshire Water has confirmed there are no known capacity issues on the sewerage system downstream of the application site and having assessed the information submitted in relation to foul drainage, raise no objection subject to a condition which requires the details of the disposal of foul water to be submitted and approved prior to development taking place. An appropriate condition is recommended to be attached.

- 5.37 In terms of surface water drainage the Local Lead Flood Authority has provided comments on the proposal. It is stated there are no objections to this application being granted permission, subject to conditions. The applicant is proposing to discharge surface water from the site by means of individual plot soakaways and has provided information relating to testing that has been carried out to show conditions are suitable for this. The tests show that infiltration rates are within the bounds of acceptability but a sufficient number of tests were not carried out and further testing to standard should take place. These comments were forwarded to the applicant and further test results have been submitted and the LLFA has stated they have shown reasonable infiltration rates across the site and it is therefore likely soakaway will work.
- 5.38 The LLFA also state that groundwater monitoring needs to be carried out to demonstrate that groundwater levels will remain a minimum of 1 metre below the level of the proposed soakaway design and a condition is recommended to ensure this takes place. Records of ground conditions submitted with the application indicate that groundwater was not encountered until much lower than the 1 metre level.
- 5.39 In terms of Flood Risk, the site is located within Flood Zone 1 and is considered to be at a low risk of fluvial flooding. Two areas adjacent to the site are shown as being at high risk of surface water flooding. The LLFA have stated care must be taken when designing site levels that these areas remain outside the site and are not conveyed into it. A levels condition will be added to the application. Groundwater flooding has been discounted as a risk and the groundwater monitoring should confirm groundwater levels.
- 5.40 Subject to the conditions recommended by the LLFA the proposal is considered acceptable in terms of drainage and flood risk.

Landscaping, Open Space and Ecology

- 5.41 Policy DP31 of the LDF states that *'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'*. A preliminary ecological appraisal has been submitted which states the site is occupied by a small range of species of limited ecological interest. Reference is made to a mature oak tree and mixed native hedgerow along the southern boundary as these represent the features of greatest ecological interest and should be retained. The applicant has shown on the amended plans that these features will be retained and a condition will be added to ensure they are retained and protected during construction.
- 5.42 The site is unlikely to attract anything other than low-level irregular foraging by a limited range of common bat species and would not be expected to be of importance to the local population. A number of recommendation are made to limit any potential impact on bats, hedgehogs and nesting birds together with recommendations for ecological enhancements which the applicant appears to have included in the submitted landscaping plan. A condition can be added to ensure the development is carried out in accordance with the recommendations made within the ecological appraisal.
- 5.43 In terms of landscaping, there are a number of trees on the site that are to be removed to facilitate the development. The two main groups towards the front of the site are to be retained and form part of the open space within the development. The

mature oak tree and mature hedging to the rear of the site will also be retained which is welcomed.

- 5.44 The landscape masterplan shows the existing trees that will be retained within the open space areas to the front of the development will be supplemented by additional planting of trees and hedging which will provide an attractive frontage. The landscape masterplan also shows areas of planting throughout the development, properties towards the entrance are to have shrubs planted in front of hedgerows which will have a positive impact on the visual amenity of the development. A number of properties will have hedgerows to the front together with additional tree and shrub planting to selected plots. It is considered the landscaping scheme is acceptable and provides an appropriate level of landscape features within the development. The development is considered to be in accordance with LDF Policy DP33.
- 5.45 The development provides areas of amenity green space and also a play area. A draft plan for the play area has been submitted and it shows a well-equipped play space. The play area is located at the entrance to the site, as the play area is shown to be fully enclosed with fencing and also gates that are positioned away from Station Road it is considered its location is appropriate. Furthermore, this location would make its use more attractive to people passing the site or those living in the wider area and would therefore provide a more widely used public facility.
- 5.46 The applicant has confirmed the public open space and play area will be managed and maintained by a residents' management company.

Land Contamination

- 5.47 The submitted Geo-environmental Appraisal has not identified significant contamination that could pose a risk to sensitive receptors, such as future residents. The report does identify potential pathway between soil contaminants and receptors and there are also areas of the site, such as underneath existing building footprints that have not been investigated which may pose potential risks. The Contaminated Land Officer agrees with the recommendations in the report that require additional post-demolition investigation to assess the extent of any unidentified contamination. The Contaminated Land Officer recommends conditions to control this and these have been added.

Conclusion

- 5.48 The proposals for this site which are within close proximity and well connected to a wide range of services and facilities are considered to be a sustainable form of development. The loss of employment land and the jobs formerly generated on the site is regrettable, however in the absence of environmental harm through the retention of landscape features and the social benefits of a well located site relative to the services and facilities, the provision of play facilities a suitable mix of size, and type of dwelling the potential for affordable housing to be provided if grant funding is available results in a conclusion that on balance the proposals are appropriate and in general accordance with the policies of the Development Plan.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to conditions relating to; (list subject to agreement from applicant regarding pre-commencement 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;
1801.01 Rev M received 5th October 2018
1801.02 received 15th February 2018
1801.BT Rev A received 9th October 2018
T_SG2 Rev A received 9th October 2018
T_TW1 received 14th February 2018
1801-ABEF-T1 Rev A received 10th September 2018
1801-ACAC-T1 Rev A received 10th September 2018
1801-ACAC-T2 Rev A received 10th September 2018
1801-ALM-A.01 received 10th September 2018
1801-ALM-B.01 received 10th September 2018
1801-BESW-T1 Rev A received 10th September 2018
1801-BESW-T2 Rev A received 10th September 2018
1801-HAMB-T1 Rev A received 10th September 2018
1801-HAMB-T2 Rev A received 10th September 2018
1801-HAMB-T3 Rev A received 10th September 2018
1801-HAWT-T1 Rev A received 28th September 2018
1801-MIDD-T1 Rev A received 10th September 2018
1801-MIDD-T1 Rev A received 10th September 2018
unless otherwise approved in writing by the Local Planning Authority.
3. No development shall commence until a post demolition 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2)
4. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL4)
5. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary an updated Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (see Note for Applicant CL2 and CL4)
6. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6 (six) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
7. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Eastwood & Partners (Report dated October 2017) , unless otherwise agreed in writing with the Local Planning Authority .
8. 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.

9. No retained trees, as shown on the Planning Layout Drawing No. 1801.01 Rev M, shall be cut down, uprooted or destroyed, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with the British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
10. 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.
11. No part of the existing boundary hedging and planting along the southern boundary with Station Road shall be uprooted or removed or reduced in height without the prior written consent of the Local Planning Authority. The planting along this boundary shall be retained for the life of the development hereby approved
12. No above ground construction work shall be undertaken until details of the proposed footpath link to the adjacent public right of way shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, that part of the footpath within the application site shall be made available and kept available thereafter.
13. Notwithstanding the proposals detailed in the application no development shall commence until an Arboricultural Method Statement and Tree and Hedge Protection Plan is approved in writing by the Local Planning Authority for trees and hedging within and adjacent to the application site. This must be in close accordance with: (a) BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations; and (b) NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.
14. The development hereby approved shall be carried out in accordance with the Preliminary Ecological Appraisal carried out by Brooks Ecological, dated November 2017, particularly the sections relating to key findings and ecological enhancement.
15. No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:
 - (i) the site construction access(es)
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials including any restrictions on delivery times;
 - (iv) storage of plant and materials used in constructing the development;

(v) measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers, to avoid the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;

(vi) measures to control and monitor the emission of dust and dirt during construction;

(vii) a Site Waste Management Plan;

(viii) details of the routing Within each of associated HGVs including any measures necessary to minimise the impact on other road users;

The approved Construction Management Plan shall be adhered to throughout the construction period.

16. No above ground construction work shall be undertaken until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including:
 - a) The type and nature of the facilities to be provided within the POS including street furniture, play equipment etc;
 - b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development;
 - c) The arrangements the developer shall make for the future maintenance of the Public Open Space;
 - d) The open space shall be completed in accordance with the approved scheme and retained thereafter
17. No above ground construction work shall be undertaken until, a scheme of hard and soft landscaping works is submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.
18. No building works including excavation, demolition works and delivery of construction materials shall be carried except between 0730 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
19. Highway conditions to be agreed when formal Highway Authority comments received
20. Surface Water Drainage conditions including; Confirmation of suitability to discharge via soakaway, Maintenance of the drainage system, Runoff rate, Storage Requirements and Maintenance – Brownfield Site and Exceedance Flow Routes (exact requirements to be confirmed by Local Lead Flood Authority)

The reasons 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 Policy(ies) CP17, DP32.
3. To ensure safe development of the site and to protect human health and the environment.

4. To ensure safe development of the site and to protect human health and the environment.
5. To ensure safe development of the site and to protect human health and the environment.
6. To ensure that no foul water discharges take place until proper provision has been made for their disposal
7. In the interest of satisfactory and sustainable drainage
8. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
9. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
10. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
11. In order to soften the visual appearance of the development and provide any appropriate screening
12. In order to improve accessibility to the site and increase opportunities for sustainable forms of transport to and from the site in accordance with CP1, CP2, DP3 and DP4.
13. To protect the all existing trees on and immediately adjacent to the site that the Local Planning Authority consider provide important amenity value in the locality.
14. To ensure the development does not impact on protected species in accordance with policy DP31
15. In the interest of highway safety and residential amenity
16. To enable the Local Planning Authority to satisfactorily control the development
17. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and to soften the visual appearance of the development in accordance with the Development Plan Policies CP17 and DP32.
18. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.

Informatives

1. Internal Drainage Board current guidelines
2. Contaminated Land Notes
3. Waste bins