

Parish: Thirsk
Ward: Thirsk
16

Committee date: 15th November 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 19th November 2018

17/02448/REM

Reserved matters of appearance, landscaping, layout and scale for residential development of 40 affordable dwellings - 2 one bedroom dwellings, 15 two bedroom dwellings, 8 two bedroom bungalows and 15 three bedroom dwellings

At Land off the end of St Marys Close, Thirsk

For Mr J R Barker And Mrs R Taylor

1.0 SITE, CONTEXT AND PROPOSAL

Background

- 1.1 The site lies within the Development Limits of Thirsk. This site was not an allocation for housing in 2013 when the outline approval was granted, but was considered to be a windfall site. Historically, the site was envisaged to come forward for recreation development in association with either the school to the south, the Millennium Gardens to the east or Rybeck Farm to the north. The Hambleton District Wide Local Plan (1999) allocated the site for recreation. In 2007, the Hambleton Local Development Framework Preferred Options document suggested the allocation for recreation, however this was later removed from the plan as it was deemed undeliverable. In 2007, the site largely fell within flood zone 2, making the developable area very limited. For this reason, recreation was the only realistic option. However, since then the Environment Agency have amended the flood maps and is now within Flood Zone 1, at the lowest risk of flooding.
- 1.2 During the course of this application, the potential developer of the site has changed. The initial scheme sought market dwellings, with the 40% affordable housing provision in accordance with the requirements of the outline planning permission. This proposal now seeks 40 units all of which are "affordable."

Site and Proposal

- 1.3 The application site extends to 1.32 hectares. The land is agricultural use, is currently down to grassland and is relatively flat in nature. To the north-west is the residential estate of St Marys Close, St Marys Drive and St Marys Way. To the south-west is the residential area of Craigs Way and The Orchard. Thirsk Community Primary School, East Thirsk Community Hall, Thirsk Recycling Centre and Sure Start Thirsk Children's Centre is positioned to the south-east. To the north-east is the Thirsk Millennium Gardens which is separated from the site by a water course running north-west to south-east.
- 1.4 A vehicular access to and from the end of St Marys Close cul-de-sac is proposed, with no other vehicular access to the site proposed. A Public Right of Way exists to the south-western boundary of the site linking St Marys Walk and Hambleton Place, a route that will be retained.
- 1.5 The site lies within Flood Zone 1, less than 1 in 1000 risk of flooding and is classified as 'low probability'.

- 1.6 The proposal seeks approval of the reserved matters of appearance, landscaping, layout and scale for residential development of 40 affordable units. These comprise of 2 one bedroom dwellings, 15 two bedroom dwellings, 8 two bedroom bungalows and 15 three bedroom dwellings.
- 1.7 The 40 affordable units comprise of 22 affordable rental units, 16 shared ownership units and 2 rent to buy units. All of the units meet the National Described Space Standards.
- 1.8 The breakdown of the plots, including type of affordable housing, storey height and number of bedrooms are as follows:

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/81/152/0201 - Outline application for residential development; Refused 1981.
- 2.2 2/92/152/0201D - Outline application for residential development; Withdrawn 1993.
- 2.3 2/93/152/0201E - Outline application for residential development to include open space; Refused 1994. Appeal Withdrawn 1994.
- 2.4 13/02397/OUT - Outline application for residential development of up to 40 dwellings; Approved 21.11.2014.

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 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 CP20 - Design and the reduction of crime
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 DP5 - Community facilities
Development Policies DP6 - Utilities and infrastructure
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 DP37 - Open space, sport and recreation
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains

Affordable Housing SPD – adopted 7th April 2015

Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Recommend refusal. As this proposed development is adjacent to an existing estate of bungalows, the Town Council considers it inappropriate to have houses overshadowing them. Also, for the appearance (street scene), the layout of 'houses - bungalows – houses' creates a mismatched appearance.
- 4.2 Highway Authority – The applicant has submitted a revised site plan which addresses matters previously raised by the Local Highway Authority
- 4.3 Lead Local Flood Authority - The submitted Drainage assessment highlights a calculated greenfield runoff rate of 2.2 l/s. The site should be restricted to the pre development greenfield runoff rate or to the minimum orifice size or minimum flow control of the adopting water authority. As the site is a greenfield development, the proposed surface water runoff peak flow should be restricted to the calculated greenfield runoff for all return periods up to the 1 in 100 year plus climate change plus urban creep design flood event.

They have recommended conditions.

- 4.4 Swale and Ure Drainage Board – If the surface water is to be discharged to any watercourse within the Drainage District, consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.
- 4.5 Yorkshire Water – The Drainage Assessment (prepared by Queensbury Design - Report dated 07/11/2013) is acceptable. In summary, the report states that foul water will discharge to public foul water sewer and a watercourse exists near to the site for the disposal of surface water. Connection to this watercourse is subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements.
- 4.6 Environment Agency – no objection to the proposal.
- 4.7 Environmental Health – no objection to the proposal.
- 4.8 Environmental Health (Contaminated Land) – no objection, subject to satisfying the condition of the outline approval regarding the submission of a scheme for the re-use of soils and/or importation of soils, including details of the sampling and chemical testing proposed, that are to be placed in garden and soft landscaped areas in order to demonstrate they are suitable for use.
- 4.9 Designing Out Crime Office (Police) – no concerns in relation to Designing Out Crime.
- 4.10 NYCC Education – based on the proposed 40 2+ bedroom properties currently no shortfall of school places would arise as a result of this development.
- 4.11 NYCC Archaeology – I have checked the details against the Historic Environment Record. There are no known archaeological sites in the area indicated or within the immediate vicinity. It is likely that the area formed part of the open strip-field system of Thirsk and has been in agricultural use since at least the 1100s AD. I have no objection to the proposal and have no further comments make

- 4.12 Network Rail - no objection to the proposal and have no further comments make
- 4.13 Housing Services – strongly support this scheme, which would deliver much needed affordable homes in Thirsk, both for affordable rent and shared ownership. The homes comply with space standards and the site layout meets requirements in terms of the distribution of homes, parking and amenity.
- 4.14 Public comments – with regard to the revised scheme, 1 letter of objection has been received from the occupier of 14 St Marys Drive. Other objections were received regarding the original scheme before the developer changed.
A summary of the objections from 14 St Marys Drive are:

- Loss of sunlight to conservatory and summer house
- Loss of sun light to solar panels on the roof
- All the northern half of the site should be single storey bungalows at a minimum of 21 metres from all existing dwellings in St Marys Drive
- The proposal should allow for 2 vehicular access from The Orchard and St Marys to be used to stop rat running and reduce unacceptable volume of traffic using one entrance at peak times

A summary of the previous objections are:

- Bungalows should being included closer to the properties of St Marys Drive
- Increase in flow of traffic along St Marys Close
- Increase in construction traffic and parking for workers
- More bungalows should be proposed
- The field is used by dog walkers
- The area is mainly elderly people and having more families will increase the number of cars
- Issues regarding surface water
- There should be no access through The Orchard to the site

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: the principle of development, housing mix, type and tenure, design and layout, landscape and visual impact, residential amenity, public open space, highways safety, drainage and flood risk, trees and ecology and archaeology

Principle of development

- 5.2 The principle of development has already been established as part of the outline approval. The site was considered a windfall site, located within the Development Limits of Thirsk which was considered and is still considered to be a sustainable settlement, as a Service Centre in the settlement hierarchy outlined within Policy CP4 of the Hambleton Local Development Framework.

Housing Mix, Type and Tenure

- 5.3 The Strategic Objections of the Core Strategy is to meet the housing needs of all the community, by providing an adequate amount and range of housing including affordable and special needs housing. The need to provide young people, older people and first time buyers will be given a high level of importance.
- 5.4 The scheme comprises of 40 affordable units. These units have been split in terms of providing both social rental and intermediate housing in terms of shared ownership

and rent to buy. Policy DP15 states that developments should achieve a balance between rental property and intermediate affordable housing which reflects current market conditions and housing needs.

- 5.5 Local planning policy acknowledges that development sites should provide a mix of market and affordable housing. On this basis, the provision of affordable housing on this site would be 40% which equates to 16 units. The applicant is providing a further 24 affordable units that will help both meet the affordable housing need and provide the size and type of dwellings that are needed across the District.
- 5.6 The Size, Type and Tenure SPD identifies that the District should provide that more two and three bedroom market homes, more choice for older people including two bedroom bungalows for sale and a wider tenure mix including more affordable housing, intermediate tenures and private rented homes
- 5.7 The proposal also comprises of 8 bungalows in total, with 2 of those being for shared ownership. The proposal does not seek the provision of any units over 3 bedrooms and provides a wider mix of affordable housing.
- 5.8 It is considered that the proposal provides a housing mix of the right type and tenure to meet the needs of the District, in accordance with local planning policy. The absence of any open market dwellings on the site is considered acceptable in this case because the proposal is relatively small in scale and the affordable housing includes 3 different tenures.

Design and layout

- 5.9 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."
- 5.10 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.
- 5.11 The units are all semi-detached and provide spaces in between to allow for car parking. Some car parking is to the front of the units. There are 8 bungalows on the northern part of the site adjacent to existing bungalows beyond the site boundary.
- 5.12 It is considered that the proposed layout and the relationship of private and public spaces, retention of boundary treatments (particularly the hedge to the south of the site) and the connection to the public right of way to the west and connection to the open space to the east of the site is acceptable and would provide a positive townscape form within the development.
- 5.13 It is considered that each dwelling has adequate private amenity space commensurate to the size of the unit.
- 5.14 The two storey dwellings have been designed in a way to include pitched roofs, central front doors or windows and canopies over the front doors. The bungalows will have hipped roofs, with a small projecting pitched roof to the front. Brick cill and lintel details are proposed and it is expected that all dwellings will be constructed from brick with a grey roof tile. Rainwater goods will be black, with the windows expected

to be white uPVC. These details are secured by planning condition on the outline approval.

- 5.15 The boundary treatments throughout the site comprise of close boarded fencing, metal railings with brick piers and brick piers with art stone coping with close boarded fence infill panel. The boundary as you approach the site from the north between the highway and plots 1 and 40 will be formed with brick piers with art stone coping with close boarded fence infill panel. This is considered to form a gateway to the site visually and allows for sufficient privacy for plots 1 and 40. The layout and design also meets the requirements of the Designing Out Crime Officer for the Police.

Landscape and visual impact

- 5.16 Policy DP30 of the adopted Development Policies DPD states that where possible opportunities should be, taken to add appropriate character and distinctiveness through the contribution of new landscape features The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.17 The site is between two residential areas and is adjacent the Millennium Gardens and the Thirsk Community Primary School. The site is fallow grassland and building dwellings on the site will change the character of the area. However, it is bounded by residential dwellings and consideration should be given to the fact that the site is located within a sustainable location and providing affordable housing.

Residential amenity

- 5.18 The closest residential dwellings to the site are to the north. These are all bungalows. The 8 bungalows are proposed along this boundary. There are still some two storey dwellings on this boundary; however, it is considered that there is sufficient distance of 22 metres between the rear elevations of the proposed dwellings to the bungalows. The existing boundary fences of the neighbours dwellings will be retained, but the developer has suggested that subject to their agreement, new fences can be installed.
- 5.19 A fence is proposed on the western boundary to still allow for access to the public right of way, but stop access into the site from Craigs Way.
- 5.20 It is considered that scheme would not prejudice residential amenity, it would not be overbearing in presence, and would not cause a loss of light or loss of privacy.

Public Open Space

- 5.21 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.22 To the north-east of the site is Thirsk Millennium Gardens that will be used as public open space for occupiers of the dwellings within the application. A footbridge is proposed over the ditch to allow for this pedestrian link between the application site and the public open space. A S106 agreement is in place for the contribution of off-site public open space contribution. There is no need to provide additional on-site open space due to the facilities provided in the Millennium Gardens.

Highway safety

- 5.23 The single access point from St Marys Close was fixed as part of the outline approval. There are conditions that need to be satisfied as part of the outline approval.
- 5.24 In terms of the internal road layout, there are two turning heads to the east and west of the site. There is continuous footway around the site and each dwelling has two car parking spaces within their curtilage. No visitor car parking is proposed however incidental on-street parking space is available within the layout.
- 5.25 It is considered that the proposal development can be safely accessed by pedestrians, cyclists and vehicles and the proposal will not be detriment to highway safety.

Drainage and flood risk

- 5.26 Policy DP43 of adopted the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.27 The site is within Flood Zone 1, an area with low flood risk, and is outside the flood envelope of all other identified sources of flood potential and records that residential development within Flood Zone 1 does not need to be subjected to the Sequential Test set out in the NPPF.
- 5.28 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.29 Queensberry Design Ltd were commissioned by the landowner as part of the outline approval to undertake a drainage assessment in connection with a proposed residential development. This has also been submitted to accompany this application. It is proposed to discharge surface water flows from the development into the existing watercourse at the north-eastern corner of the development at 5l/s. A surface water attenuation pond is located adjacent to plot 10. This has been confirmed to be a subterranean tank system which it is intended to be adopted by Yorkshire Water. The discharge rate is therefore to be restricted to the lowest practical rate.
- 5.30 It is proposed the foul flows will discharge unrestricted via a separate foul system into the existing 150mm diameter YW foul sewer in Craigs Way. Proposed foul flows are to discharge from the site at the south-western boundary. A new manhole is to be constructed as an outfall point on the line of the existing sewer adjacent Craigs Way/The Orchard junction. The assessment concludes that further work to progress a detailed drainage design needs to incorporate a topographical survey, details site layout and detailed ground investigations.
- 5.31 There are conditions regarding the drainage as part of the outline approval that need to be adhered to. The developer has stated that they would clean out the drain/ditch section that lies adjacent to the application site.

Trees and ecology

- 5.32 A Phase 1 Habitat Survey was produced by Naturally Wild Consultants Ltd as part of the outline application. The objective of the survey was to ascertain if any protected species were using the site, document the habitats present and determine the ecological risks posed by the development. Further to this, the survey investigated for presence of invasive plant species on site. The field and boundary hedge lines were assessed, as were the immediate surrounding habitats. No protected species were found during the site visits.
- 5.33 The field (semi-improved grassland) has at present had no obvious use, although the species diversity would suggest that it has previously been used for agricultural purposes, although not for some time. With a slight east-facing slope the field appeared to have reasonable drainage and no areas of waterlogging noted. There are no ponds or buildings on the application site. The site is bordered by residential infrastructure to the west and north, with a school to the south and green open space to the east. The wider area is residential accommodation, and the site has poor external habitat links. Measures can be taken to mitigate impacts and there is scope for enhancement to be made to the bio-diversity through the actions of the developer and subsequent occupiers.

Archaeology

- 5.34 The Principal Archaeologist at NYCC has stated that there are no known archaeological sites in the area indicated or within the immediate vicinity. It is likely that the area formed part of the open strip-field system of Thirsk and has been in agricultural use since at least the 1100s AD. They have no objection to the scheme.

Conclusion

In applying the planning balance the provision of affordable housing must attract significant weight in support of the scheme. As at the outline stage there has been found to be no harm caused to wildlife and the site remains free from flooding problems, and it is in a sustainable location with a wide range of services nearby that are accessible by a range of means of transport including on foot and by cycle. The site has convenient access to an area of public open space and there is capacity in local infrastructure (including school places) to accommodate the development.

The scheme would result in development of an area of previously undeveloped 'green space' within the built up area of Thirsk and would change the outlook from neighbouring homes, however the benefits of the provision of new homes, particularly affordable homes outweighs any harm that may arise during the construction phase and in the subsequent occupation of the site.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below unless otherwise approved in writing by the Local Planning Authority.

Site Location Plan - L017056-100 Revision A
Amended Site Layout Plan – Drawing No 2649.92.002 Revision R.
House Type A – 1B 2649.92. 011 C
House Type B – 2B 2649.92. 012 B
House Type C – 2B 2649.92. 013 B
House Type D – 3B4P 2649.92 014 B
House Type E – 3B4P 2649.92 016 A

The reasons are:

1. 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 LDF Policies CP17 and DP32.