

Parish: Brompton	Committee Date:	12 th November 2015
Ward: Northallerton North and Brompton	Target Date:	15 th October 2015
1	Planning Officer:	Janine Laver
Application Number:	15/01083/HYB	

Proposal:

- 1. Full planning application for Phase 1 residential comprising 150 dwellings to the east of Darlington Road and 141 dwellings to the west of Stokesley Road, including earth works across the site, engineering works for drainage associated with Phase 1 residential, associated infrastructure, construction of strategic link road from Darlington Road to the west and Stokesley Road to the east including roundabouts and road bridge crossing railway line and village green; and**
- 2. Outline planning application for a mixed use development of 900 dwellings (C3) which includes the residential development comprising Phase 1 referred to above, employment (B1, B2, B8), neighbourhood centre comprising shops (A1), restaurants (A3) and drinking establishments (A4), extra care facilities (C2), medical facilities (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access).**

The proposal is a major development, which is accompanied by an Environmental Statement.

Location:

Land To The East Of Darlington Road, West Of Stokesley Road, and North Of Thurston Road Industrial Estate, Northallerton

Applicant(s):

Mulberry Homes, Taylor Wimpey, Persimmon Homes, Messrs G, B, E & I Gill

EXECUTIVE SUMMARY

The application site forms the majority of a strategic allocation (NM5) within the adopted Hambleton Local Development Framework and the proposal comprises a total of 900 dwellings, mixed uses including retail, commercial, and extra care provision, a primary school, formal and informal recreation space including a village green, and a link road and bridge over the Northallerton-Middlesbrough railway line through the centre of the development.

The application is in hybrid form, with full planning permission sought for the link road and bridge, 291 of the 900 dwellings, a village green near Darlington Road and sustainable drainage features. Outline approval is sought for the balance of the development.

As the largest allocation site in the Local Development Framework, which has undergone extensive consultation, independent review, adoption and masterplanning, the principle of the uses applied for in the application, as well as the quantity of housing proposed, has been established.

The proposal was received in May 2015 and advertised to the general public by way of letter (334 sent in total), site notices displayed in the surrounding area, a press notice and Hambleton DC website releases. Statutory consultee notification was also undertaken in accordance with the relevant Town and Country Planning and Environmental Impact Regulations. To date 15 objections have been received from the public primarily raising issues of the lack of housing need in Northallerton, traffic congestion, the lack of a solution to queuing at the Low Gates rail crossing, off site flood impacts, and noise impacts to future residents from Allerton Steel operations. Statutory consultees raised some concerns regarding drainage and flooding, potential ecological impacts, lack of formal cycle provision within the scheme, noise impacts from Allerton Steel and the location of the school. Brompton and Northallerton Town Councils have also objected on various grounds.

The comments made by statutory bodies, interested parties and private individuals have been taken into account. However, it is concluded that for the reasons set out in this report the objections do not amount to reasons for refusal of the application either individually or collectively, and that the relevant planning issues that have been raised can be adequately addressed by the imposition of a range of planning conditions and/or legal agreement. Furthermore, design refinements will also undoubtedly occur in the detailed design phase in advance of submission of reserved matters.

It is considered that the Environmental Statement contained sufficient information to enable an assessment of the main or likely significant effects and appropriate mitigation measures, while subject to various conditions being met, and bearing in mind that reserved matters applications will need to be submitted for all development not included within the 'Full' part of the application, the proposal is satisfactory in terms of the mix of uses being sought and the traffic generated. Furthermore, with regards to the Full Application for 291 houses, the link road and bridge, SUDs basins and Village Green the proposal is considered to be satisfactory in terms of layout, architectural expression and urban design and will largely accord with the provisions of the Site Allocations Policy and the guidance within the adopted 2011 Masterplan for the site.

The development would also realise the North Northallerton Link Road, which is a major piece of infrastructure on the Council's priority list for spending receipts under the Community Infrastructure Levy and the subject of a £6 million Government Grant issued via the Local Enterprise Partnership. It would also help deliver a new primary school and recreational land, which would be of wider benefit to local communities.

The proposal provides the Council with the opportunity to meet part of its required housing provision, and based upon the viability appraisal can provide the district with some essential affordable housing, albeit below the policy level. In any event, due to the proposed review mechanism to be contained within an associated legal agreement, there may be opportunity for increased affordable housing provision at later phases within the development if the housing market improves.

Overall, the proposal is considered acceptable and it is recommended that planning permission be granted in OUTLINE for **a mixed use development of 900 dwellings (Use Class C3), employment (Use Classes B1, B2, B8), neighbourhood centre comprising shops (Use Class A1), restaurants (Use Class A3) and drinking establishments (Use Class A4), extra care facilities (Use Class C2), medical facilities (Use Class D1), primary school (Use Class D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access)** on land to the East of Darlington Road, West of Stokesley Road, and North of Thurston Road Industrial Estate, Northallerton

It is also recommended that planning permission be granted in FULL for **Phase 1 of the 900 dwellings granted approval in Outline by this permission, comprising 150 dwellings to the east of Darlington Road and 141 dwellings to the west of Stokesley Road, including earth works across the site, engineering works for drainage associated with Phase 1 residential, associated infrastructure, construction of strategic link road from Darlington Road to the west and Stokesley Road to the east including roundabouts and road bridge crossing the Northallerton to Middlesbrough railway line and a village green** on land to the East of Darlington Road, West of Stokesley Road, and North of Thurston Road Industrial Estate, Northallerton.

1.0 PROPOSAL

- 1.1 The applicants have lodged a hybrid planning application comprising a) an '**outline**' application for the entire site identified on the 'Proposed Application Boundary Plan' Nod. 0000-0001, dated Jan 2014, as well as b) a '**full**' application for the land identified on 'Phase 1 Red Line Boundary Plan' Nod. 12003-SK-01, Rev B, dated August 2015. The total site area of the '**outline**' application is 52.8 hectares.
- 1.2 An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more '*reserved matters*'.
- 1.3 The '**outline**' application comprises:
 - 900 residential dwellings, comprising 2, 3, 4 and 5 bedrooms, mostly of two storey scale but some bungalows are also proposed;
 - 3,250 sqm of employment uses including B1 Commercial, B2 General Industrial and B8 Storage and Distribution;
 - A neighbourhood centre including A1 Shops, A3 Food and Drink, A4 Drinking Establishments and C1 Hotels uses (1,965 sqm floor area in total);
 - A care home (Use Class C2);
 - A primary school (Use Class D1);

- Community uses in the form of recreational playing fields/pitches, playgrounds, allotments and a Village Green;
 - Associated car parking for the aforementioned uses;
 - Flood and surface water retention basins/tanks, known as SUDs; and
 - A link road and bridge to cross the Northallerton to Middlesbrough railway line.
- 1.4 The 'outline' application is detailed on the Plan entitled 'Illustrative Masterplan Scaled' Nod. 0000-0019 Rev A, dated May 2015, to which any planning permission should be tied. This Plan provides a guide to where the various uses sought may be located, with further detail provided in plans contained within the submitted Design and Access Statement.
- 1.5 However, it must be highlighted that the 'Layout', 'Scale', 'Appearance' and 'Landscaping' of the development are all matters that have been 'reserved' for later determination, which means that the detail provided on the aforementioned 'Illustrative Masterplan Scaled' or within the Design and Access Statement is subject to change. However, those documents are intended to illustrate the quality of development that could be achieved within the parameters of the permission now sought. The Council is therefore only considering the principle of the uses and their potential locations, as well as the 'Access' to the wider site, which is a matter that is not reserved for later determination.
- 1.6 With regard to 'Access' the application is accompanied by details of the new main access points which is in the form of two new roundabouts on Darlington Road to the western extent of the site and Stokesley Road to the eastern extent of the site, which will serve development to both the north and the south of the strategic allocation. The extent of the initial infrastructure works is shown on 'Proposed Link Road Alignment and Access Arrangements Plan' Nod. 12003/GA/11 Rev G, dated September 2015, and produced by Optima Highways Solutions.
- 1.7 The 'full' application (hereafter known as Phase 1) was submitted in detail and comprises:
- A total of 291 dwellings (which are included within the 900 dwellings sought as part of the 'outline' application, rather than in addition to the 900 dwellings).
 - The 291 dwellings will be split across the site with 150 dwellings provided to the east of Darlington Road (known in this application as the Persimmon Scheme) and 141 dwellings provided to the west of Stokesley Road (known in this application as the Taylor Wimpey Scheme). For clarity, the application originally included 298 houses in the Phase 1 application but during the course of the application the Taylor Wimpey housing layout was amended, which reduced the proposal by 7 dwellings.
 - The Persimmon Scheme is shown on the 'Proposed Site Plan' Nod. YOR.2457.004B, dated 9/9/15 and produced by Pegasus Urban Design. The Taylor Wimpey Scheme is shown on the 'Planning Layout Plan' Nod. 00C, dated 26/10/15 and produced by Taylor Wimpey.
 - The link road and bridge through the centre of the 'outline' site, is shown on the 'Proposed Link Road Alignment and Access Arrangements Plan' Nod. 12003/GA/11 Rev G, dated September 2015, and produced by Optima Highways Solutions;
 - Flood and surface water retention basins/tanks, known as SUDs; and
 - The Village Green.
- 1.8 The Persimmon residential scheme of 150 dwellings is broken down into the following sizes:

Size	Height
35 x 2 bed dwellings	6 x 1 storey dwellings
94 x 3 bed dwellings	100 x 2 storey dwellings
21 x 4 bed dwellings	44 x 2.5 storey dwellings
The layout comprises a mix of detached, semi-detached, and terraces of 3-4 dwellings, some with integral garages, detached garages, driveway only spaces, or shared parking courts.	

- 1.9 The Taylor Wimpey residential scheme of 141 dwellings is broken down into the following sizes:

Size	Height
18 x 2 bed dwellings	7 x 1 storey dwellings
42 x 3 bed dwellings	120 x 2 storey dwellings

75 x 4 bed dwellings	14 x 2.5 storey dwellings
6 x 5 bed dwellings	
The layout comprises a mix of detached and semi-detached dwellings, some with integral garages, detached garages or driveway only spaces.	

- 1.10 It is proposed to construct the dwellings using a range of soft red and brown brickwork interspersed with off-white render to break up the streetscene. From the house style information provided, roofs will be finished with slate or natural clay pantiles.
- 1.11 Landscape plans for the Phase 1 development were submitted during the course of the application, and have undergone several revisions. Therefore the plans submitted in October 2015 are the ones for consideration in this application; the plans numbers are listed in Section 1.17 below.
- 1.12 The development will be delivered in phases. Phase 1 comprises all the elements of the 'full' application. It was initially suggested by the applicants that the link road and bridge would not be constructed until 495 dwellings have been built; however, it has been agreed by the Council, the applicants and NYCC Highways that it will be constructed within the early period of the Phase 1 development (i.e. by the end of October 2017).
- 1.13 In terms of the remainder of the housing and employment development, this will be developed in accordance with market demand, although reserved matters applications will need to be submitted and approved prior to commencement of any development of those 'outline' elements. It is also anticipated that the remaining elements will be delivered as follows:
- Sports facilities – land will be acquired by the Council in Phase 2 and developed when enough funds have been accrued.
 - The new primary school land will be acquired by NYCC in Phase 1 and developed to be ready for a September 2018 intake.
 - The retail element of the neighbourhood centre will be delivered in Phase 2.
 - The aged care facility will be delivered in Phase 2.
- 1.14 The application was supported by a package of submission documents including:
- A Planning Application Form and Landowner Notification Certificates;
 - Planning, Sustainability and Open Space Statement;
 - Design and Access Statement (incorporating Masterplan Parameters and Design Principles);
 - Statement of Community Involvement;
 - Flood Risk Assessment including Drainage Strategy (3 separate reports);
 - Geo-Environmental Report (2 separate reports);
 - Phase 1 Habitat Survey (also entitled Preliminary Ecological Survey)
 - Various Ecological and Biodiversity surveys, including bats and breeding birds;
 - Transport Assessment (subsequently updated on 09/09/15 and 24/09/2015);
 - Travel Plan (subsequently updated on 01/10/15);
 - Agricultural Land Use Classification Assessment;
 - Archaeological Desk Based Assessment;
 - Landscape and Visual Impact Assessment;
 - Tree and Hedgerow Survey;
 - Utilities Assessment;
 - A Retail Impact Assessment; and
 - A variety of plans including (but not limited to):
 - Proposed Application Boundary Plan, Nod. 0000-0001, Rev B, dated Jan 2014, and produced by Spawforths;

- Phase 1 Red Line Boundary Plan, Nod. 12003-SK-01, Rev B, dated August 2015, and produced by Optima Highways Solutions;
 - Illustrative Masterplan Scaled, Nod. 0000-0019 Rev A, dated May 2015, and produced by Spawforths;
 - Proposed Link Road Alignment and Access Arrangements Plan, Nod. 12003/GA/11 Rev F, dated April 2015, and produced by Optima Highways Solutions;
 - Bridge Over Railway General Arrangement Plan, Nod. BHB-DRG-1000, Rev 03, dated March 2015, and produced by Buro Happold Engineering;
 - Taylor Wimpey Planning Layout Plan, Nod. NN:00, dated 18 May 2015, and produced by Taylor Wimpey (superseded); and
 - Persimmon Homes Proposed Site Plan, Nod. YOR.2457.004 Rev A, dated 01 May 2015, and produced by Pegasus Urban Design (superseded).
- 1.15 An Environmental Statement with appended technical reports and a non-technical summary was also subsequently submitted on 15th June 2015. This was advertised in accordance with Regulation 17 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 1.16 The application has been amended at various stages with the submission of new or clarified detail, such as a Retail Impact Assessment for a 1,723 sqm supermarket (and amended Traffic Impact Assessment), and revised plans as a result of more detailed design work, at the request of the planning officer or statutory consultees.
- 1.17 The additional and revised plans include:
- Persimmon Homes Proposed Site Plan, Nod. YOR.2457.004 Rev B, dated 09 Sept 2015, and produced by Pegasus Urban Design.
 - Persimmon Homes Proposed Site and Street Scenes Plan, Nod. YOR.2457.003 Rev B, dated 09 Sept 2015 and produced by Pegasus Urban Design.
 - Persimmon Homes Proposed Planting Plan, Nod. YOR.2457.001, dated 09 Sept 2015.
 - Taylor Wimpey Planning Layout Plan, Nod. NN:00 Rev C, dated 26 Oct 2015, and produced by Taylor Wimpey.
 - Taylor Wimpey Landscape Plan Sheet 1 of 3, Nod. 2585/1 Rev H, dated 02 Nov 2015, and produced by Rosetta Landscape Design.
 - Taylor Wimpey Landscape Plan Sheet 2 of 3, Nod. 2585/2 Rev H, dated 02 Nov 2015, and produced by Rosetta Landscape Design.
 - Taylor Wimpey Landscape Plan Sheet 3 of 3, Nod. 2585/3 Rev H, dated 02 Nov 2015, and produced by Rosetta Landscape Design.
 - Landscape Masterplan for Spine Road, Nod. YOR.2457.010C Sheet 1 of 5, dated Oct 2015, and produced by Pegasus Urban Design.
 - Landscape Masterplan for Spine Road, Nod. YOR.2457.006C Sheet 2 of 5, dated Oct 2015, and produced by Pegasus Urban Design.
 - Landscape Masterplan for Spine Road, Nod. YOR.2457.007C Sheet 3 of 5, dated Oct 2015, and produced by Pegasus Urban Design.
 - Landscape Masterplan for Spine Road, Nod. YOR.2457.008C Sheet 4 of 5, dated Oct 2015, and produced by Pegasus Urban Design.
 - Landscape Masterplan for Spine Road, Nod. YOR.2457.009E Sheet 5 of 5, dated Oct 2015, and produced by Pegasus Urban Design.
 - Proposed Link Road Alignment and Access Arrangements Plan, Nod. 12003/GA/11 Rev G, dated September 2015, and produced by Optima Highways Solutions.

2.0 SITE DESCRIPTION

- 2.1. The site is located in Northallerton approximately 1 km north of the Northallerton town centre (or in walking terms 15 – 20 Minutes away). The site has an overall area of approximately

52.8 hectares and forms a natural extension to the northern edge of the development limits of Northallerton. To the west and to the east the site is bounded by the A167 Darlington Road and the A684 Stokesley Road respectively. Thurston Road industrial estate lies to the south alongside a range of other uses including Hambleton District Council's offices, a leisure centre and a small cluster of residential properties. To the north lies open countryside with Northallerton Rugby Club and the settlement of Brompton beyond. The site is also bisected by the Northallerton to Middlesbrough train line running approximately north/south and roughly by area two thirds to the west and a third to the east.

- 2.2. The site is largely undeveloped and comprises farmland under several ownerships. Between Darlington Road and Northallerton Road the landscape is one of large arable fields with trimmed hedgerows and sporadic hedgerow trees. Immediately adjacent to Darlington Road smaller field sizes are present and some of the hedges have been replaced by fences and these fields are grazed rather than tilled. Between Northallerton and Stokesley Roads the site encompasses smaller fields at the southern end but larger fields at the northern end.
- 2.3. There are a number of mature trees dotted about the site, but there are only two small woodland blocks in the area and both are outside the site; one lies just west of the northern most part of the site and lies in the grounds of Strikes garden centre off the Darlington Road, and the other lies just east of Northallerton Road adjacent to the playing fields, but is actually a well-treed private garden. The odd dwelling and various farm buildings are scattered across the site, but for the most part the site is agricultural and appears as countryside on the fringe of settlements to the north and south.
- 2.4. The site also contains the following existing features which all generally align north-south:
 - The Northallerton to Middlesbrough railway line;
 - Northallerton Road which connects Brompton with Northallerton; and
 - Two watercourses including Brompton Beck (also known as North Beck).
- 2.5. In terms of topography the site is not constrained by any severe gradients, however ground levels do undulate across the full extent of the site following a general trend of sloping towards the Brompton Beck watercourse, which, as noted above runs approximately north/south through the centre of the site. In addition, the land also gently rises on the east and west fringes near Stokesley and Darlington Roads.
- 2.6. The centre of the site is covered by Flood Zone 3 designation (area of high risk of flooding); however, only the link road and bridge would be built on flood land, with compensatory flood storage created elsewhere to offset the loss in this location.
- 2.7. The site boundary is shown on 'Proposed Application Boundary Plan' Nod. 0000-0001, Rev B, dated Jan 2014. The application site does not include the development land parcels to the west of Darlington Road or to the east of Stokesley Road which are shown in the 2011 original Masterplan Framework document.
- 2.8. The entire site forms part of strategic site allocation NM5 – North Northallerton Area, within the LDF, as set out in the Allocations Development Plan Document (DPD).

3.0 PLANNING HISTORY AND POLICY BACKGROUND

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.2. The Development Plan for Hambleton is known as the Local Development Framework (LDF) and comprises:
 - (i) The Core Strategy Development Plan Document (adopted April 2007);
 - (ii) The Development Policies Development Plan Document (adopted February 2008);and
 - (iii) The Allocations Development Plan Document (adopted December 2010).
- 3.3. Supplementary Planning Documents (SPDs) relevant to this application include Open Space, Sport and Recreation (adopted February 2011); Affordable Housing (adopted April 2015); and Size, Type and Tenure of New Homes (adopted September 2015). Also relevant is the Council's Statement of Community Involvement (adopted March 2006 and revised July 2013) and the Community Infrastructure Levy Guide, Guidance Notes, Charging Schedule and

Regulation 123 List (dated March and April 2015).

- 3.4. Other material considerations which need to be taken into account include the National Planning Policy Framework (NPPF), March 2012, the associated Planning Practice Guidance (PPG) issued in March 2014 and regularly updated, and the Community Infrastructure Levy (CIL) Regulations 2010 as amended.
- 3.5. As noted above, the application site has been identified by the Council as a strategic site for mixed development within the Allocations DPD – Policy NM5, as adopted by Full Council on 21 December 2010. The DPD states that proposal NM5 forms a strategic area for development in the Allocations DPD providing significant housing and employment development and also providing recreation, leisure and community facilities and strategic infrastructure.
- 3.6. The site represents the largest allocation in the Council's Local Development Framework and is highlighted as a priority in the North Yorkshire Housing Strategy and Local Investment Plan. The principle of the development of this site for housing, mixed uses and a link road has therefore been long established having been the subject of an independent examination in public by a Secretary of State appointed Planning Inspector. The examination agreed that the North Northallerton Development Area was the preferred option for further development of the town and found the LDF documents sound.
- 3.7. Allocation NM5 is divided into 7 sub areas, known as NM5A to NM5G. The exact wording of Policy NM5 is reproduced in full below:

NM5 – North Northallerton Area

This area is identified as a strategic site for mixed development, comprising the following uses:

NM5A: West of Northallerton – Middlesbrough Railway (5.7ha)

Allocated for housing development at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 200 dwellings (of which a target of 40% should be affordable); for development throughout Phases 2 (2016-2021) and 3 (2021-2026).

NM5B: West of Stokesley Road (6.5ha)

Allocated for housing development at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 200 dwellings (of which a target of 40% should be affordable); for development in Phase 3 (2021-2026).

NM5C: East of Stokesley Road (5.5ha)

Allocated for housing development at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 165 dwellings (of which a target of 40% should be affordable); for development in Phase 3 (2021-2026).

NM5D: East of Darlington Road (17.2ha)

Allocated for mixed housing and employment development;

Housing development: (11.4ha)

At a density of approximately 35 dwellings per hectare, resulting in a capacity of around 400 dwellings (of which a target of 40% should be affordable); for development in Phase 2 (2016-2021);

Employment development: (5.8ha)

B1 and B2 employment development.

NM5E: North of Standard Way Industrial Estate (5.7ha)

Allocated for B1, B2 and B8 employment development.

NM5F: North Northallerton Link Road

This scheme will provide a single carriageway road of a width of approximately 8 metres, a footpath and a cycleway route, a bridge across the Northallerton-Middlesbrough railway and access to a number of sites within the North Northallerton Area.

NM5G: West of Northallerton Road (7.8ha)

Allocated for recreational development.

Development will be subject to the following requirements:

- i. **Developer contributions towards improvements to the sewerage and sewage disposal infrastructure prior to any development taking place;**
 - ii. **Flood alleviation measures being undertaken, funded by the Environment Agency and the developers, prior to any development taking place;**
 - iii. **Contributions from the developer towards public open space and the North Northallerton Link Road;**
 - iv. **Contributions from the developer towards the provision of additional school places and local health care facilities as necessary;**
 - v. **Type and tenure of housing meeting the latest evidence on local needs;**
 - vi. **Opportunities to incorporate sustainable and renewable energy generation should be maximised;**
 - vii. **Incorporation of high quality landscaping on the boundaries and within each development site to maximise the visual appearance of the development; and**
 - viii. **Reinforcement of the visual separation of the two settlements of Northallerton and Brompton and the separate identity of Brompton.**
- 3.8. For the avoidance of doubt, allocations NM5C and NM5E do not form part of the subject planning application but are expected to be the subject of separate planning applications in the future. This planning application is therefore only concerned with development of the land allocations between Darlington Road and Stokesley Road.
- 3.9. It is also necessary to highlight that due to the passing of intervening legislation since the adoption of the LDF, such as the Community Infrastructure Levy Regulations, a number of the development contributions requirements contained within Policy NM5 will have altered or no longer be relevant.
- 3.10. In addition, it is necessary to highlight that in December 2013 the Council agreed to remove the phasing within Development Policy DP11 for the LDF's allocated housing sites through to 2026 (and thus also to the phasing suggested in Allocations Policy NM5) so as to help bring sites forward more quickly to boost housing supply. In this regard, the phasing identified within those policies is no longer applicable.
- 3.11. Finally, it is important to identify that following the adoption of the Allocations DPD a Masterplan Framework and Design Guidance document was prepared for the NM5 Allocation area by Taylor Young consultants, which provided conceptual design detail and expanded on the aspirations for the development of the entire site. The Masterplan was adopted by the Council in May 2011 and is a material consideration in the determination of this application.

4.0 RELEVANT PLANNING POLICIES

4.1 The following policies are of particular relevance to the determination of this application:

Core Strategy Policy CP1 -	Sustainable development
Core Strategy Policy CP2 -	Access
Core Strategy Policy CP3 -	Community assets
Core Strategy Policy CP4 -	Settlement hierarchy
Core Strategy Policy CP5a -	Annual targets for housing completions by area
Core Strategy Policy CP6 -	Housing distribution
Core Strategy Policy CP8 -	Type, size and tenure of housing
Core Strategy Policy CP9 -	Affordable housing
Core Strategy Policy CP14 -	Retail and town centre development
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

The Development Policies DPD sets out detailed policies for controlling development and delivering the vision, objectives and Core Policies of the Core Strategy DPD. Its policies play a key role in determining planning applications, by explaining practical ways of implementing the Core Policies. The following policies are of particular relevance to the determination of this application:

Development Policy DP1 -	Protecting amenity
Development Policy DP2 -	Securing developer contributions
Development Policy DP3 -	Site accessibility
Development Policy DP4 -	Access for all
Development Policy DP6 -	Utilities and infrastructure
Development Policy DP8 -	Development limits
Development Policy DP9 -	Development outside development limits
Development Policy DP13 -	Achieving and maintaining the right mix of housing
Development Policy DP15 -	Promoting and maintaining affordable housing
Development Policy DP16 -	Specific measures to assist the economy and employment
Development Policy DP23 -	Major out of town shopping proposals
Development Policy DP24 -	Other retail uses
Development Policy DP29 -	Archaeology
Development Policy DP30 -	Protecting the character and appearance of the countryside
Development Policy DP31 -	Protecting natural resources: biodiversity/nature conservation
Development Policy DP32 -	General design
Development Policy DP33 -	Landscaping
Development Policy DP34 -	Sustainable energy
Development Policy DP37 -	Open space, sport and recreation
Development Policy DP38 -	Major outdoor recreation
Development Policy DP39 -	Recreational links
Development Policy DP43 -	Flooding and floodplains
Development Policy DP44 -	Very Noisy Activities

The detail contained within the Allocations Development Plan Document referred to in Section 3 above is also directly relevant as well as the following Supplementary Planning Documents:

- Open Space, Sport and Recreation SPD, adopted February 2011
- Affordable Housing SPD, adopted 7th April 2015
- Community Infrastructure Levy Guidance Notes, Charging Schedule and Regulation 123 List, all adopted in 2015
- Size, Type and Tenure of New Homes, adopted 15th September 2015.

5.0 CONSULTATIONS

5.1 The application was advertised to the general public by way of letter, site notices, press notice, and Hambleton DC website releases. Statutory consultee notification was also undertaken in accordance with the relevant Town and Country Planning and Environmental Impact Regulations. In addition, the later submission of a Retail Impact Assessment and updated Traffic Assessment was subsequently advertised in the Local Press in accordance with Section 22 of the Environmental Impact Assessment Regulations 2011 and the Council's public access system has been continually updated when new plans/reports are received.

5.2 The following sections reveal details only from those consultees that provided a response. Note that some responses are provided in summary and some in full verbatim. For those that are provided in full verbatim they feature in *italicised* text. Officer comment may follow where clarifications/updates are considered to be necessary. All abridged consultee details and comments are, however, available in full on the Council's website using the Public Access system.

5.2.1 NYCC Highway Authority

NYCC Highways were integral to the development of the Masterplan for the site and have participated in a considerable number of meetings with the applicants and the Council's planning officers to design a scheme that would appropriately offset the impact of the development itself in traffic terms, but also provide improvements to Northallerton generally. The consultation reply is lengthy and is noted verbatim below. Suggested conditions will feature in Section 7 of this report.

- i. *This application will have significant impacts on the highway network in Northallerton, some of which will be positive. The documents submitted in support of the planning application included a Transport Assessment (TA) and Framework Travel Plan (FTP), which have assisted the Local Highway Authority (LHA) in assessing the impact of the proposed development. Amendments to both documents and submitted plans have been provided to secure proposals that are satisfactory to the LHA. The site is*

allocated for development and includes a link road in the allocation. The submissions in support of the application cover the following matters:-

The Link Road

- ii. *The site is accessed by a link road through the site connecting the A167 Darlington Road to the West with the A684 Stokesley Road to the East and includes a bridge over the Northallerton to Middlesbrough railway line. There will be roundabouts on the A167 and A684 where the link road joins these routes.*
- iii. *The LHA has been working with the developers for several years to secure an acceptable design for the link road; the submitted design reflects these discussions and is in line with current design principles. Consequently the purpose and design of the link road has evolved since its designation as a 'village road' in the Hambleton Allocations Plan and the Masterplan for the site.*
- iv. *The role of the link road has been acknowledged as a 'strategic link' in the overall Northallerton highway network. This has been a key decision as it acknowledges that the link road will serve more than the application site and provide some relief to key junctions in the town.*
- v. *The link Road will provide an east-west route for Northallerton north of Low Gates level crossing. Once the link road is open to through traffic the directional signing in the area will be amended, for example traffic travelling south on the A167 will be directed along the link road to the Friarage hospital, Thirsk, etc. and traffic travelling on the A684 will be directed along the link road to Standard Way and other businesses around Darlington Road. This will remove HGVs from Brompton Road, Friarage Street and Low Gates Level Crossing. The removal of HGVs from these routes is seen as a positive benefit to the highway network. The link will also remove non-HGV rat-running traffic from Quaker Lane. Once the development is completed and all buildings are occupied the modelling has shown there will be an overall reduction in vehicles crossing over the Low Gates Level Crossing.*
- vi. *A detailed traffic model of the existing highway network in Northallerton was created by Jacobs UK in 2006 to support Hambleton DC's allocation of the North Northallerton site for housing; this was updated and revalidated in 2012. The model has enabled the distribution of traffic flows to be considered in various situations with and without the proposed bridge over the railway. The traffic flows used in the model have been built up from surveyed existing flows with allowances for predicted traffic growth and other significant sites in Northallerton where development has been permitted. Only the significant sites that will have a quantifiable impact on the highway network have been specifically included in the analysis as the national forecasts for traffic growth include allowances for development led growth. This is a proportionate response. Smaller sites will have been permitted in the review period but will fall below the threshold of approximately 50 dwellings where a site specific TA is required. In these cases the annual traffic growth figures take account of the development traffic.*
- vii. *The analysis has shown that in 2026 with all the housing built and the link road open to through traffic there will be a small decrease in traffic passing through the Low Gates Level Crossing. This will be a positive benefit to the highway network notwithstanding the additional traffic from the development.*
- viii. *The applicant has also shown several scenarios whereby a number of houses could be built and occupied before the bridge needs to be in place. The trigger point has been established to be the development of 495 houses. This would be the point where junctions in the town would need relief without the link road. As it was unclear how these 495 dwellings would be distributed between the eastern and western sides of the site various scenarios were tested. They were:*

West of the railway

495 dwellings

302 dwellings

136 dwellings

East of the railway

193 dwellings

395 dwellings

- ix. *It is considered that the impact of these scenarios is acceptable as an interim situation prior to the completion of the bridge and opening of the link road to through*

traffic. However external funding has been sought to allow construction of the link road in advance of the 495 dwelling trigger to provide the benefits of the link sooner thus maximising its impact. Realistically it is expected that the link road and bridge will be opened to through traffic in autumn 2017 due to the Growth Deal Funding contribution which has been sought to part fund the link road and rail bridge and which has a 'use by' date attached. This anticipated early completion of the road and bridge will be a positive benefit to the overall highway network.

- x. Overall, while the scenario testing has demonstrated that 495 dwellings could be built before the full link road is necessary, the delivery of 495 dwellings and no prospect of the link road open to through traffic is not acceptable. The occupation of a number of houses prior to the construction of the bridge is considered necessary however, to allow sufficient funds to be amassed by the developers to fund the bridge. However, now the Growth Deal funding is available the need to wait for the trigger point should not be necessary. There will need to be adequate controls either in the permission or through legal agreement(s) to ensure the through route is built in its entirety and development of the full link road does not stall with just two cul-de sacs either side of the railway. These controls will need to include adequate assurances for the County Council that all the land required to deliver the road and bridge will be available when required.
- xi. With regard to non-motorised users, the link road will have a footway to one side and a footway cycleway to the other. This is considered an appropriate level of provision for non-motorised users of the highway and will be linked with three formal crossing points of the link road at key locations: near the neighbourhood centre, near the school and near Northallerton Road. The shared footway cycleway will enable travel to the proposed school (north of the link road) by cycle from both sides of the link road using the formal crossing points. Furthermore, the benefit of a footway only is that some pedestrians prefer and sometimes feel safer not using a shared footway cycleway. Reserved matters applications for development of the land to the south will need to include links which direct the pedestrians and cyclists to the formal crossing points. These provisions for pedestrians and cyclists are considered acceptable.
- xii. No provision for horses has been made or is considered necessary as the development site does not link in with the local bridleway network and there is limited evidence of need. Nevertheless, it is considered appropriate to include a Condition requiring an Audit of Non- Motorised Users to be undertaken on the detailed design. The processes for the Audit are set nationally and will include a review of the provisions for all non-motorised users including cyclists and horses.

The bridge

- xiii. A new bridge is to be constructed over the Middlesbrough to Northallerton line. It will need to fully comply with both Network Rail's technical requirements and those of the LHA. The bridge will become part of the County Council's bridge stock and be maintained by the County Council in the usual way. There will need to be legal Agreements to secure the necessary permissions from Network Rail and NYCC for the delivery of the bridge following the granting of any permission.
- xiv. As indicated in paragraph x above, the non-delivery of the bridge is not acceptable to the LHA; it is an integral part of the overall link road.

Off-site highway works

- xv. In addition to the developer funded works linked to delivery of the link road the Transport Assessment identifies several other smaller items of infrastructure that the developers have agreed to deliver to mitigate the impact of the development. "Grampian" conditions will be used to secure works which are:
 - **Mini-roundabout Brompton Road/ Northallerton Road/ Stokesley Road** Amendments to the existing mini-roundabout to improve capacity within the existing highway boundary; Prior to the occupation of the 51st dwelling
 - **Mini-roundabout western end of** Amendments to the existing mini-roundabout to improve capacity within the existing highway

- | | |
|---|--|
| Quaker Lane (North End) | boundary;
Prior to the occupation of the 51 st dwelling |
| • Mini-roundabout eastern end of Quaker Lane (Brompton Road) | Conversion of the mini-roundabout to a priority T-junction with improved facilities for pedestrians across the end of Quaker Lane:

Within six months of opening of the Link Road to through traffic |

Passenger transport issues

- xvi. *There are existing bus services on the A167 and along Brompton Road between Northallerton and Brompton. It is proposed to provide additional services along the link road which are expected to be extensions of the Northallerton Town services. The exact details will be confirmed at a later date when the services are to be commissioned.*
- xvii. *To ensure the proposed additional bus services are given an opportunity to become established and financially viable 'pump priming funding' will be required. It is considered that funding of up to £100,000 per annum will be required for a period of five years. The trigger for the payments including their timing should be agreed in the S106.*
- xviii. *Three pairs of bus stops are to be provided along the link road with shelters on the Northallerton bound side for waiting passengers.*

The public right of way network

- xix. *Formal comments indicating a right of way adjacent to the site have been issued by the LHA's Rights of Way team.*
- xx. *The rights of way network has no bridleways within the vicinity of the site and a footpath near the north western boundary of the site adjacent to the Strikes Garden Centre site. It is proposed to link this route in with the footway network on site. Within the residential phases the roads will be laid out in such a way that walking and cycling are encouraged. As noted above, the level of provisions for non-motorised users is considered to pass the tests at paragraph 204 of NPPF and be necessary, directly related and proportionate.*

The Phase 1 Residential Area:- West of the A167 (Persimmon Homes)

- xxi. *Pegasus Design drawing YOR.2457.004 Rev B has been submitted for this section of the site. The LHA considers this is suitable to base detailed design on. Some minor amendments are still required but all can be accommodated within the highway limits shown and none impact on the location of any dwelling. The layout will provide streets where vehicle speeds are naturally restrained to 20mph and walking routes are available on pedestrian desire lines feeding to the formal crossing points of the link road; this will also 'deliver safe routes to school' to the new school site.*
- xxii. *The parking provision is acceptable.*
- xxiii. *A Travel Plan for the Phase will need to be linked to the overarching Framework Travel Plan for the North Northallerton site and delivered.*

The Phase 1 Residential Area:-East of the A684 (Taylor Wimpey)

- xxiv. *The layout has needed to take account of the stream running through the site. It has also been agreed that it would be inappropriate to create any second access to the A684 beyond the proposed roundabout, as the roundabout will act as a 'gateway' to Northallerton, and creating a junction beyond the 'gateway' would reduce the benefits it provides, as well as potentially providing a rat run route. Pedestrian links to the A684 are being secured on key desire lines. The submitted drawing numbered NN:00 Rev C is considered suitable to base the detailed drawing submissions on.*
- xxv. *The parking provision is acceptable.*
- xxvi. *A Travel Plan for the Phase will need to be linked to the overarching Framework Travel Plan for the North Northallerton site and delivered.*

- xxvii. *The LHA is now satisfied that the layout will provide streets where vehicle speeds are naturally restrained to 20mph and walking routes are available on pedestrian desire lines feeding to the formal crossing points of the link road; this will also 'deliver safe routes to school' to the new school site.*

Future residential phases

- xxviii. *No details have been submitted with this outline application, with all matters except main access to the site reserved. The reserve matters applications will be required to deliver streets where vehicle speeds are naturally restrained to 20mph and walking routes are available on pedestrian desire lines feeding to the formal crossing points of the link road and 'safe routes to school' for the new school site. The LHA will provide advice when the relevant applications are submitted in the future.*

The school

- xxix. *A site has been identified which is acceptable to NYCC as LHA and Education Authority (LEA) subject to there being no direct access to the link road and the usual LEA requirements.*
- xxx. *Safe routes to school will be created within the new road layouts to encourage walking and cycling.*
- xxxi. *A School Travel Plan will be required to link to the Framework Travel Plan for the site and encourage the establishment of sustainable habits for travel to school. This will also cover the issue of school gate parking.*

The Neighbourhood Centre and Employment Land

- xxxii. *This is seen as a local facility to serve the residents of the development. As such it has been assumed that it will not generate any additional traffic outside the wider application site with the majority of trips being 'pass-by' in peak hours and a high proportion of walking and cycling. However a "sensitivity test" has been undertaken by the developer, to consider the impact of a larger food store, which would attract shoppers from outside the North Northallerton site. This "sensitivity test" has shown that a store of 1739m² could be built without any additional mitigation being needed on the highway network.*
- xxxiii. *No details for the area have been submitted with this outline application, with all matters reserved. The reserve matters applications will be required to deliver streets where vehicle speeds are naturally restrained to 20mph and walking routes are available on pedestrian desire lines feeding to the formal crossing points of the link road. This will need to include a link on the pedestrian desire line to the A167 Darlington Road.*
- xxxiv. *The layouts will also need to accommodate manoeuvring and deliveries for service vehicles and customer parking.*
- xxxv. *There will be a need to link in to the Framework Travel Plan which accompanied this application either through stand-alone Travel Plans for individual uses or through zone Travel Plans covering more than one site.*

The LHA recommends the imposition of numerous planning conditions and various Section 106 legal requirements, one of which is the delivery of the link road and bridge within the first phase of the development. If the planning committee resolve to grant approval for the development, the Section 106 Agreement will need to be completed before a planning decision is issued.

With regard to the advice quoted above, it is important to clarify that while the LHA has reviewed traffic movements associated with a proposed supermarket on the site, as will be detailed in Section 6.2 of this report, the applicants have agreed to withdraw that element of the proposal from this application.

With regard to the assessment of Non Motorised Users, no consideration has been given to the suitability of the shared cycleway/footway on the south side of the link road. While planning officers accept that there is only a demonstrated need at the present time for one cycleway on the link road, it is considered that it should be relocated to the north side of the link road as this is where the school and majority of new houses would be located. Therefore, from a usability and safe routes to school perspective, it is more logical for the shared

cycleway/footway to be relocated to the north side. A planning condition should require this change to the link road layout on any planning permission granted.

In addition to the comments from the LHA on transport matters, the Corporate Director of Business and Environmental Services at NYCC suggested during the course of the application that an estimated commuted sum of £968,000 would be required from the developer by NYCC for maintenance liabilities for the bridge embankments and culverts. However, following discussions between the two councils, NYCC confirmed at the time of writing this report that it will now waive the requested sum due to its impact on the viability of the scheme. In addition, the £500,000 contribution sought for bus route pump priming identified in Part xvii of the consultation response provided above is also now waived for the same reason.

A more detailed discussion around developer contributions is included in Sections 6.3 and 6.4 of this report, which should help to explain how/if contributions can be sought.

5.2.2 NYCC Education

The Education Department at NYCC has been a key stakeholder in the preparation of this application by the developer consortium and has had a big influence on the proposed location of the primary school and the size of the school site. The LDF Allocation did not include a school but it was added through the 2011 Framework Masterplan process. The Education Department advise that they anticipate the school accommodating children from September 2018. A reserved matters application will need to be submitted showing detailed design of the school (amongst other things) in due course but for the purpose of this current application their advice was as follows:

The estimated number of pupils from a development of 900 2+ bedroom dwelling houses is 225. There is local shortfall of 217 places, thus there is a need for 217 new school places. The financial contribution sought from the developer is £2,950,332.00.

The Corporate Director of Business and Environmental Services at NYCC has added the following:

The estimated cost of construction is £5,000,000. NYCC will contribute £2,050,000, comprising the following:

- £955,000 – NYCC basic need funding to the primary school provision
- £805,000 – Section 106 education funding from York Trailers development
- £250,000 – Additional NYCC top up funding for primary school provision
- = £2,050,000 Total NYCC education contribution.

This leaves a shortfall of £2,950,000 which is expected as a developer contribution. It is also standard practice that a serviced site is provided at no cost to NYCC. Road access to a serviced school site would be required by early 2017.

The provision of a school is identified as a CIL Regulation 123 infrastructure item, thus while the developer consortium have agreed to provide a serviced site, the cost of the build can only be taken from any available CIL funds. The Council has agreed to provide £2,000,000 of CIL towards the shortfall¹, which leaves £950,000 to be found. As mentioned above, a more detailed discussion around developer contributions is included in Sections 6.3 and 6.4 of this report, which should help to explain how/if contributions can be sought.

5.2.3 NYCC Heritage Services

NYCC Heritage Services has advised the Council that they have reviewed Chapter 9 of the ES, but notes that the conclusions of the chapter are drawn from the evidence base in the form of a Desk Based Assessment. As a result, NYCC recommended that a scheme of archaeological evaluation, which should comprise a geophysical survey, followed by trial trenching should be undertaken prior to determination of the planning application. Nevertheless, subsequent correspondence from NYCC Heritage Services advised that if the Council is minded to approve the application, then it is essential to ensure that the archaeological evaluation work is completed prior to the commencement of the development, and that appropriate mitigation is also agreed in advance and implemented either before

¹ Report to Cabinet 01/09/15: Community Infrastructure Levy – Contributions Towards the North Nothallerton Infrastructure Schemes - <http://democracy.hambleton.gov.uk/documents/s2606/090115%20item%208.pdf>

and/or during development, as appropriate to the findings of the evaluation. The suggested planning conditions are noted in Section 7 of this report.

5.2.4 Historic England

Alongside County Heritage Services Historic England were also consulted. They advised that there are no direct physical impacts on designated heritage assets or negative impacts on their setting, that the views of NYCC should be sought regarding archaeological matters. They further advised that they are content to defer any archaeological conditions to NYCC.

5.2.5 Yorkshire Wildlife Trust

Yorkshire Wildlife Trust (YWT) were consulted and expressed some concern regarding the adequacy of the ecological submission. They state in *italics* that:

The Environment Statement covers the impacts, compensation and mitigation for the entire hybrid application, making it hard to assess whether the impacts of Phase 1 have been considered independently. The 'Illustrative Masterplan' map shows the area included in Phase 1 does not contain much of the greenspace and leaves little room for SUDS basins, especially in the eastern section.

The ES identified habitat for breeding birds on the site, including red listed ground nesting birds which will be losing habitat as a result of the development. However, the ES does not contain all of the information needed to fully assess the impacts of the development on breeding and wintering birds (e.g. the observation frequency map), it may be that the impacts are such that compensation land would need to be provided as the risks to ground nesting birds in particular cannot be easily avoided or mitigated for.

The ES highlights the potential impact on roosting and foraging bats, and recommends emergence surveys. If there is going to be removal of any buildings or trees that may house bats as part of the Phase 1 development then an emergence survey should be completed before planning permission for this phase is granted.

We support the conditioning of the ES recommendations for the creation of an ecological enhancement and management plan along with financial provisions for long term management and monitoring. A Construction Environmental Management Plan should also be created which will outline the measures to be taken to minimise the environment impact of construction activities. A detailed Section 106 will be required to ensure that Green Infrastructure and SUDS creation and long term environmental management are successful.

As this is a very large application we would expect the local authority to have professional ecological advice to assess the impacts of the development and the effectiveness of the proposed mitigation.

The Council engaged Arcus Consulting to review the ecological information submitted with the application in light of the recommendation of the YWT and County Ecologist (discussed in Section 5.2.7). Arcus raised concerns regarding the lack of bat emergence surveys and the inadequacy of the breeding birds survey and the developers' ecologist subsequently provided a response. This detail was then referred back to YWT, County Ecology and Natural England. A specific discussion of ecology matters is detailed in Section 6.6 of the report.

5.2.6 Natural England

Natural England (NE) has provided a response under various sub headings. That advice, with planning officer comment, is summarised below.

With regard to *Statutory Nature Conservation Sites* it was concluded by NE that the proposal is unlikely to affect any statutorily protected sites or landscapes.

With regard to *Soils and Land Quality* NE reiterate national planning advice that local planning authorities should seek to retain high quality agricultural land and instead use poorer quality land for development. NE also advises on soil handling and retention for the undeveloped parts of the site. However, on the basis that the allocation of this entire site for mixed use development has already undergone the necessary scrutiny and secretary of state examination, and on the basis that the undeveloped parts of the site will largely form the flood catchment areas, their advice on Land Quality and Soil handling has less relevance.

In relation to *Green Infrastructure* NE encourages the applicant to maximise opportunities to incorporate green infrastructure during the development of the detailed proposal. Green Infrastructure includes parks and gardens, informal recreation space, allotments, river

corridors for example. It is considered that the Phase 1 component through its grassland SUDS basins and the green corridor through the Taylor Wimpey Site attempts to provide for biodiversity within the future urban setting, while the assessment of the outline phases will occur at the reserved matters stage, although it must be noted that a large area is to be given over to informal and formal green spaces.

With regard to *Protected Species* NE advise that they have not assessed the application and defer to their Standing Advice. However, further consideration regarding Protected Species has been provided by the Yorkshire Wildlife Trust and NYCC Ecologist and is discussed elsewhere in Section 5.2 and in Section 6.6 of this report.

NE identify that the documents submitted demonstrate potential existence of *Priority Habitat* on the site and refer the Council to NPPF recommendations which state that LPAs should aim to conserve and enhance biodiversity and if significant harm from the development cannot be avoided then planning permission should be refused. As will be discussed in Section 6.6 the Phase 1 Habitat Survey is deemed to be satisfactory and mitigation can be provided. In addition, the draft landscape and SUDS proposals identify opportunities for biodiversity within the design. Furthermore, planning conditions could require the submission and implementation of habitat creation and management plans.

5.2.7 NYCC Ecology

NYCC does not have an agreement in place with HDC to provide ecology advice but they did provide some preliminary advice that *“given the strategic importance of this site and the potential presence of legally protected species, HDC should seek its own independent ecology advice to assess the application’s ecological reports.”* This was also recommended by the Yorkshire Wildlife Trust and was undertaken, as noted in Section 5.2.5. The discussion on ecology matters occurs later in this report in Section 6.6.

In any event, NYCC Ecology confirmed that “the land is not covered by any designations such as SSSI or SINC and that the value of the land in ecological terms is likely to be local. The habitats to be lost will be of farmland character – hedgerows, trees (possibly including mature), pasture, watercourses and ponds which themselves could support protected species such as bats, farmland birds, hedgerow birds, water vole and badger. In order to accord with the various legislation that surrounds protected species it will be necessary to have relevant surveys undertaken to assess the impact of the scheme and ensure that sufficient avoidance, mitigation, compensation and enhancement measures are included within the design.”

Furthermore, NYCC Ecology state that “one of the most damaging impacts of large developments upon habitats and species is that of fragmentation along with on-going disturbance relating to increased human presence. There will be a need to provide sufficient green space dedicated to wildlife that will not be as affected by humans and their pets. These wildlife areas should try to ensure continuity with habitats outside of the development site.”

NYCC Ecology provided a further response in light of the independent review of the application’s ecology reports by Arcus Consulting, which is discussed in Section 6.6 of this report.

5.2.8 Environment Agency

The EA raised no objections to the application subject to conditions restricting surface water run off, provision of compensatory flood storage, and provision of box culverts in the embankment of the link road. The conditions are repeated in full in Section 7 of this report. Those conditions would need to be discharged either before the link road commences or before any dwelling is occupied.

5.2.9 Yorkshire Water

Yorkshire Water has advised that the local waste water infrastructure (notably the sewer system, as opposed to the Waste Water Treatment Works) does not currently have capacity to remove and treat foul water from the development beyond Phase 1. They therefore advise that reinforcement will be required to avoid detriment to existing sewerage in the vicinity. As no outline drainage details have been provided beyond Phase 1, Yorkshire Water propose a planning condition that no further development beyond Phase 1 should take place until approved sewer reinforcement works have been approved.

With regards to surface water, Yorkshire Water confirm that the public sewer network does not have any capacity available to accept any discharge of surface water from the proposal

but it supports the approach to drain surface water into SUDS/watercourse. It recommends a planning condition detailing surface water management processes that must be achieved before the development can commence. Yorkshire Water also confirms that it can adopt the maintenance of SUDS as long as they are satisfied with the design.

Finally, Yorkshire Water have identified a 175 mm diameter public rising main and a 300 mm diameter Yorkshire Water maintained overflow on the Statutory Sewer Map that crosses the site. They advise that the road layout submitted on drawing 12003/GA/11 (Rev F) dated 27/05/2015 and prepared by Optima is not acceptable as the drawing shows the level of the proposed road to be raised by approximately 10 m over the line of the sewer. The additional overburden could cause failure of the sewer. Yorkshire Water objects to the layout of this element of the development and therefore suggest that the developer should amend the site layout or provide evidence that the sewer can be protected via an appropriate condition on a planning permission. One of the planning conditions suggested by Yorkshire Water states that construction of the access road shall not commence until the agreed sewer protection measures have been implemented.

The developer was asked to respond to the concerns of Yorkshire Water and their response was provided by iD Civils on 18th September 2015. It states that the location of the main has been identified and clashes with the western bridge abutment foundation. The bridge abutment cannot be moved due to the impact in the span and bridge deck, therefore the main would have to be diverted. Diversions of public sewers can be secured by the developers under a Section 185 agreement with Yorkshire Water, however, there is potential for this process to take up to 12 months to conclude. The recommended planning condition to prevent construction of the road until this diversion issue is resolved would, however, result in unacceptable delays to a key piece of the town's infrastructure. Yorkshire Water has therefore agreed that the condition could be revised to prevent only construction of the bridge until the sewer diversion is undertaken. If the

The suggested planning conditions are noted in Section 7 of this report.

5.2.10 NYCC Flood Risk Management

The NYCC Sustainable Urban Drainage Systems Officer confirmed that he agreed with the findings of the Environment Agency and the Internal Drainage Board and notes that raising land levels on the east of the site in an area where surface water flooding occurs appears to result in the loss of flood storage. In this regard it has been suggested that there is a danger of off site flooding from water displacement. The SUDS Officer therefore states that the developer is to ensure that any rainfall intercepted by the new development is only discharged at greenfield run off rates and that suitable exceedance flow paths exist for flow generated by extreme events. The SUDS Officer expects this to be dealt with by planning condition to be included on any permission granted seeking submission and implementation of a management and maintenance plan for surface water drainage for the site. The suggested planning condition is noted in Section 7 of this report.

5.2.11 Internal Drainage Board (Swale and Ure)

The Internal Drainage Board (IDB) have advised that watercourses passing through the site have the status of main river but the development is sited largely in the Board's district. The IDB advises that it has reservations about the proposal and suggest that the assessment of flood risk to the site is not based on reliable modelling with differences of up to 1 metre evident in the evidence submitted. The IDB considers that the Flood Risk Assessment (FRA) deals with the issue of loss of flood plain from construction of the new link road but does not make allowance for a similar loss as a result of raising ground levels and building footprints. It is suggested that the FRA places great reliance on the road gully network to remove surface water but gully systems are only designed to a 1 in 2 year standard and in flood conditions soon become partially or totally blocked.

As a result the IDB predicts significant surface water flooding would affect the area to the east of Northallerton Road. The raising of ground levels is considered by the IDB to merely pass flood water elsewhere within the site or increase flows through existing exceedance flood routes potentially affecting off site property. Consequently the IDB has advised that no development should commence until they have seen and approved a robust assessment of flow paths in exceedance conditions to ensure that the effect that both surface water and fluvial flooding might have on the completed development and off site areas can be addressed. The suggested planning condition is noted in Section 7 of this report.

5.2.12 Brompton Flood Group/Council's Drainage Officer

The Brompton Flood Group has objected to the application as they believe it would be detrimental to the whole of Northallerton, Brompton and Romanby and for other communities downstream by flooding. The Flood Group's objection is available in full on Public Access. It was circulated to the applicants who prepared a response, which has been subsequently reviewed by the Council's flood and drainage officer, the County SUDS officer and the IDB.

The Council's Drainage Officer's response on a point by point basis to the Brompton Flood Group's objection is included verbatim in *italics* below:

1. *The main principles of development in relation to flood risk are that the development does not increase flood risk elsewhere and that the development itself is not subject to flood risk up to the design standard and further the consequences over and above the design standard are assessed and managed to minimise risk of flooding to the existing and proposed developments.*

The proposed development is located outside of the flood zone 2 and 3 extents and the surface water flows within the development are being managed within the design standard. Highway infrastructure is unavoidably to be constructed in the flood zone 3 extents, this will occupy existing flood extents, compensatory flood storage will be provided as part of the development works in the immediate vicinity for this loss of flood storage.

The surface water discharge from the proposed development will be at greenfield rate or potentially less than greenfield rate as determined by Institute of Hydrology 124, so the flows to watercourse from the developed land will mimic the existing flows in quantity and flow rate from the undeveloped land.

The overall effect is that there will be no detriment to Brompton in flood risk terms due to the proposed development, or flood risk to the development itself within the designed standards.

2. *The riparian owners are the land owners that abut the watercourse and have responsibility. Within the development area the developers as land owners will be riparian owners, this may change as houses are purchased and open spaces are transferred to their respective owners. The Environment Agency, North Yorkshire County Council and Drainage Board have powers in relation to the watercourses and a limited range of duties, riparian owners may be required to seek consent to work in watercourses.*
3. *Maintenance of watercourses is undertaken in agreement between the riparian owners and authorities, EA, NYCC and DB with powers in relation to the watercourse, this will continue during the proposed development. Flows to watercourse as outlined in point 1 above will be unchanged.*
4. *The timing of surface water management measures is to ensure that there is no period of additional flood risk created during the development phase.*

Implementation of surface water management measures is acceptable on a phase by phase basis, but constructed in advance to comply with the no additional risk caveat.
5. *Development will include some raising of levels; the extent of this is being agreed in conjunction with the Environment Agency and ourselves. The raising of levels in flood risk terms is not to be to the detriment of existing dwellings or the development itself.*
6. *Design standards have been established for surface water management and run-off.*
7. *Management of surface water run-off during the construction will be conditioned and/or included within the Site Waste Management Plan and Construction Phase plan.*
8. *The future maintenance of SuDS will be included with the planning conditions.*
9. *Future management responsibilities for Public Open Spaces, SuDS and wetlands will be agreed as part of the planning approval. Management practice will be the responsibility of the individual maintaining organisations taking into account, statutory requirements and best practice guidance.*
10. *The development plans do not include for fundamental changes to watercourse, i.e. bed levels or route. The accommodation of the construction of the highway bridge is on the basis that it is not of detriment in flood risk terms to existing development.*

11. *There is no allowance within the North Northallerton Development Area scheme for flood risk management measures as described. The principles of the flood risk and new development are outlined in point 1, with the design of the development based on no detriment to existing development and managed flood risk on the development itself, to the design standard.*

5.2.13 Network Rail

Network Rail are a key stakeholder in this application and have been in background discussions with the developer consortium and County Highways over this development proposal. Notwithstanding the fact that the developer would need to enter into various legal agreements with Network Rail and obtain relevant consents from Network Rail, they were consulted on the planning application. Their advice is that they have no objection in principle but that the following matters need to be taken into consideration:

Railway Bridge – Note is taken of the plan showing the general arrangement for the bridge over the railway line, and this is in line with the discussions held with our asset protection team. Given that the detailed design has to be agreed with NR in any event, we are happy for this to be taken forward by means of an appropriate condition, which would allow for any minor changes in design to the structure as a result of (for example) detailed ground investigation. It is very important, however, that the Basic Asset Protection Agreement to develop the design proposals is signed as soon as possible so as to prevent delay in the implementation process. We are also of the position that the construction of the new bridge has to be tied in with the closure of the user worked crossing at Halfway House (LEN3 43 Miles 1485 Yards, NGR 436821/495430). Closure of this crossing should be linked to the opening of the bridge in so far as connecting routes either side of the bridge should be made available for the crossing user at the same time as the bridge is opened for through traffic.

Drainage – There are no immediate issues arising from the preliminary drainage strategy that give us cause for concern. The discharge from catchment 8 pond may give rise to scour protection issues, and it may be that protection needs to be applied to the beck where it passes under the railway. We would expect this issue to be discussed in the detailed drainage strategy when produced as presumably required by an appropriate condition.

Fencing – It is unclear from the proposals whether unrestricted access to the land designated as “The Meander at Hawthorne” is envisaged as part of the development. If it is to be used as public open space then there will be a requirement for trespass-proof fencing to be erected on the western side of the railway, from the new road bridge to the site boundary. This can be removed if suitable fencing is in place along the eastern boundary of the housing development to prevent access onto the meadow, or reduced in length if the existing bridge over Hawthorne Beck (used by the farmer to gain access to his fields via the level crossing) is removed.

Northallerton Station – The station is generally well provided in terms of existing facilities, with the exception of disabled access to platform. However, this is being addressed by the DfT Access for All Scheme, scheduled for implementation by 2019. However, given the emphasis of the development (via the travel plan) for linkages to the station, and in particular by cycle, we consider it appropriate that the development should fund additional cycle parking at the station through the addition of a covered 5-stand for cycles – around £10k – to be provided upon occupation of 75% of the dwellings in Phase 2 of the development.

The request for developer contributions will form part of the negotiations with the developer, as discussed in Sections 6.3 and 6.4 of this report.

5.2.14 Hambleton DC Environmental Health

The application was specifically referred to Environmental Health for an assessment of noise through the construction period and the residential occupation period from key noise generators such as the link road and the industrial units on Thurston Road, but primarily from Allerton Steel. During the course of the application, Allerton Steel provided their own acoustic assessment, the applicants provided a subsequent response, and all of this material has been reviewed by an Environmental Health Officer (EHO). A discussion on noise will be undertaken in Section 6.7 of this report.

In summary though, the EHO confirms that to the north of the proposed link road the primary noise generator would be the road itself, while to the south of the road, noise from both the road and Allerton Steel would be dominant. This would necessitate different mitigation measures to maintain a reasonable level of amenity for proposed uses across the site, although as so much of the proposal is in outline, further acoustic testing will be required at reserved matters stages before the suitability of any of the uses or their actual location on the site can be confirmed.

5.2.15 HDC Housing Officer

The Housing Officer was involved in extensive pre-application discussions with the applicants up until the point of submission of the application to try to influence the level, location and size of the market, affordable and specialist housing provision on the site. However, the Officer has not been involved in the viability appraisal process (which is discussed in Section 6.4 below) which determines the extent of affordable housing that can actually be provided on the site. The Housing Officer's comments are therefore premised on the Council's desirable requirements and the layouts of the first phase of development, as submitted at the time of the application. The Housing Officer's comments, are produced verbatim in *italics* below.

Market Housing Mix and Older Person's Housing

Lifestyle changes have led to the formation of smaller households in Hambleton and this has also impacted on the type of housing that is needed to sustain communities and support economic growth.

To meet the needs of the changing population the number of new two and three bedroom market homes need to be increased. This will increase housing options for smaller families and couples for whom four and five bedroom houses are too large and unaffordable.

The Council is also concerned to ensure that all housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth.

There is evidence to support the following market mix on larger market sites:

10% two bedroom bungalows, 10% one bedroom & 60% two & three bedroom homes (predominantly two bedroom).

In towns such as Northallerton, which are key employment centres, there is also a need for a greater proportion of one bedroom homes for younger households.

In order to improve Hambleton's 'Housing Offer' in September 2015 the Council adopted a Size, Type and Tenure of New Homes SPD, which seeks to influence the size and type of new homes that are being built across the District. This SPD includes an indicative housing mix target for all sites of 25 or more dwellings and seeks 10% bungalow provision on all housing sites of 10 or more units.

Extra Care

Early discussions suggested that development of part of the site for an Extra Care scheme might be appropriate. Following further discussions between the Council, North Yorkshire County Council and Broadacres partners are now of the view that there is probably a greater need for a mixed age multi-tenure scheme not only to meet the needs of older people but also to help support those with learning disabilities to live more independently. This proposal requires more detailed consideration and would be progressed in a later phase.

Space Standards

The Size, Type and Tenure of New Homes SPD is also a tool to help deliver good quality homes across all tenures. This SPD signposts developers to the Nationally Described Space Standards which were issued by DCLG in March 2015 and which are applicable to all tenures. The Council advises that it will use these standards to guide the provision of good quality new homes with the intention of embedding them within the forthcoming local plan.

Housing Mix- Phase 1

The developers of Phase 1 are proposing the following mix:

Type	Number of original scheme	%age of original scheme (rounded up)	Number of amended scheme	%age of amended scheme (rounded up)	SPD target mix
1 bed homes	0	0%	0	0%	10%
2 bed bungalows	13	4%	13	4%	10%
2 bed houses	40	13%	40	13%	35%
3 bed houses	145	49%	136	47%	25%
4 bed houses	94	32%	96	33%	10-15%
5 bed houses	6	2%	6	2%	No target
Total	298		291		

It is disappointing that no one bedroom properties are being proposed in this scheme as this would improve the housing offer for young economically active singles and couples working in the town.

The offer of some small 2 bed bungalows is welcomed. However, this offer falls short of the 10% target.

Whilst the current proposal offers a mix of 64% 2 & 3 bedroom homes (including bungalows) there is concern that there is a predominance of 3 bedroom properties. The mix could be improved by inclusion of a greater proportion of 2 bedroom and some one bedroom homes.

The proposed mix also includes a substantial proportion of 4 bedroom homes which are unlikely to provide an affordable option for local buyers.

There is concern that not all the house types meet the Nationally Described Space Standards.

However, the need to assess the target mix in the light of viability issues is recognised. It is also acknowledged that the Council's Size, Type and Tenure SPD has only just been adopted and there may be the opportunity to redress some of the issues regarding housing mix through negotiations on later phases of development.

However, viability aside, a scheme with an improved mix in phase 1 is likely to provide a greater level of social inclusion and community cohesion.

Affordable Housing

The Council adopted a new Affordable Housing Supplementary Planning Document in April 2015. This builds on the previous SPD (2008) and expands Policy DP15 providing more detail and clarity around the Council's requirements for affordable housing delivered through the planning system to ensure it is of good quality. The SPD addresses issues around size standards, transfer prices and provides guidance on tenure mix and the distribution of the affordable homes. It does not change existing policy which will be reviewed as part of work on a new local plan.

This application site lies within Northallerton where the Council's affordable housing target is 40% unless there is evidence provided through an Economic Viability Appraisal (EVA) submitted by the Applicant and reviewed by the Council's Consultant Valuer to demonstrate that this is not achievable.

The full planning application for Phase 1 is for 291 dwellings -150 dwellings to the East of Darlington Road (Persimmon Homes) and 141 to the west of Stokesley Road (Taylor Wimpey). To achieve the 40% target on Phase 1 a total of 116 homes would be required to be affordable, of which the Council would seek a tenure split of 70% social rent (81 homes) and 30% (35 homes) intermediate tenure unless there was evidence to support a different tenure split which was also supported in writing by the Registered Provider to whom the homes would be transferred to. This tenure split is different to the 50/50 tenure split contained within Policy DP15 but has been applied by the Council in its negotiations in response to evidence provided by the 2011 North Yorkshire Strategic Housing Market Assessment and feedback/intelligence from Registered Providers working across The affordable homes should be a mix of one, two and three bedroom to meet the needs of singles, couples and families.

To meet the Council's affordable housing requirements the homes must be of a size that meets the Council's minimum standard or from the 1st October 2015 the National Described Space Standards, pepper-potted throughout the site preferably in clusters of no more than six to eight dwellings and the developer must transfer the properties to a Registered Provider at the Council's agreed Transfer Price. Transfer prices were reviewed as part of the consultation on the SPD. These are tenure neutral and designed to support a tenure mix on most sites of 70% social rented and 30% intermediate tenure.

The Council's minimum sizes and Transfer Prices are set out in the table below:

Unit type	Minimum size	Transfer Price
1 bed	50m ²	£50,200
2 bed	70m ²	£65,200
3 bed	90m ²	£79,200
4 bed	110m ²	£84,200

The Council is also keen to ensure that affordable homes are of good quality, offering a good level of residential amenity to future occupiers and are energy efficient and affordable to run to those on lower incomes.

Guidance on issues such as the parking arrangements and boundary treatments for the affordable homes is also included within the SPD to minimize management issues in the future.

The planning application should be accompanied by a schedule of the affordable homes confirming plot numbers, property types/sizes/tenures and transfer prices as well as floorplans of the affordable homes indicating the size/dimensions of rooms and showing furniture layouts.

Conclusion

The scope to improve the proposed housing mix, by reducing the number of three bedroom homes, increasing the number of two bedroom homes (including bungalows) and providing some one bedroom properties should be considered.

The developers are urged to speak to the Council's Housing and Planning Policy Manager following the outcome of the development appraisal work to agree the level of affordable housing provision and its type and location which will be secured via a S106 agreement.

5.2.16 Police Architectural Liaison Officer

The PALO has provided commentary on design features of the development, notably fence heights, landscaping, natural surveillance and security. It is recommended that the residential development is designed in accordance with Building for Life 12 to provide residents with a safe and secure environment to live and to reduce the opportunities for crime and anti-social behaviour to occur. An assessment of design of the 'Phase 1 application will be undertaken in Section 6.8 of this report.

5.2.17 Ministry of Defence

The MOD have confirmed that it has no safeguarding objections to the proposal.

5.2.18 North Yorkshire Local Access Forum

The Local Access Forum have submitted three responses primarily raising concerns with the lack of provision for cycling on both sides of the link road and the lack of dedicated or shared off-road provision for horse riders. This matter has been discussed by NYCC Highways in Section 5.2.1 of this report and will be referred to again in Section 6.3.

5.2.19 National Cycling Charity

The National Cycling Charity were not actively consulted on this application but they have in any event provided comment that neither supports or objects to the proposal. They suggest that the shared cycleway on the link road should be on the north side instead of the south such that primary school children can use it; all children should be able to cycle to school safely through the development with roads line marked accordingly, and that there should be off road cycle ways through the green spaces designed as leisure routes.

5.2.20 NYCC Public Rights of Way

The NYCC PROW team have not raised an objection to the planning application but have included a planning condition about preventing obstruction to the PROW adjacent to the development. Full detail of the condition can be found in Section 7.

5.2.21 Ramblers Association

The Ramblers advised that they have no objection to this proposal and consider that the proposed footpath and cycleway are designed to align in purpose with existing.

5.2.22 Sport England

Sport England have provided a summary of the needs of the local clubs but recognise that the sports village element is in outline at this stage such that further consultation will occur in the future when reserved matters applications are made. However, they note that there is demand for additional pitches especially football and also the potential for rugby. However, they suggest that new facilities should be informed by robust evidence base in the form of a Playing Pitch Strategy, although in lieu of a Playing Pitch Strategy the views of the National Governing Bodies for Sport should be taken into account at the appropriate stage. Sport England would welcome the opportunity to enter into discussions with the applicant prior to the submission of any reserved matters application to ensure that the right facilities are proposed. In the meantime they do not raise an objection to the outline application.

5.2.23 Planning Casework Unit

The National Planning Casework Unit acknowledged receipt of the Environmental Statement and advised that they had no comments to make.

5.2.24 Hambleton, Whitby and Richmondshire Clinical Commissioning Group

The Clinical Commissioning Group has been consulted on this application and they advised that *“there was no identified need for a new surgery in the area; however, they request financial support from the developer to help meet additional health care costs.”*

It must be highlighted that the provision of either new surgeries or improvements to existing facilities are classified as infrastructure, and since the introduction of CIL, the provision of such facilities would need to be identified on the CIL Regulation 123 List. At present no healthcare infrastructure is included on the CIL 123 list, although the provision of additional GPs is identified as a potential project. The allocation of CIL funds to the CCG is, however, a decision for the Council to take when it collects and comes to spend CIL and just because a project is included on the 123 list does not signify a commitment from the Council to fund, either in whole or in part, the listed project.

As the Council is currently in the process of undertaking a Local Plan review, it is the most suitable time for the CCG to engage with the Council to identify future need based on anticipated population and house growth in Hambleton and thus future CIL 123 priorities.

5.2.25 Allertonshire Civic Society

The Civic Society has provided mixed feedback regarding the application outlining that they have no objection to the level of housing, education, leisure and retail facilities as they meet local needs, while they are happy with the retention of open space between Northallerton and Brompton. However, they consider that the design of the link road is inadequate and consider that the bridge should be built at the outset.

5.2.26 Allertonshire School

Northallerton School and Sixth Form College has advised in writing that they have no objection to the application.

5.2.27 Brompton Town Council

The Town Council states that if its concerns cannot be addressed then it objects to the planning application and recommends that a refusal be issued. Their response is provided in full verbatim in *italics* in this section due to the number of independent points being raised. Officer comment will be provided on some of the points but expanded in Section 6 of the report.

The [Town] Council is of the strongest view that the proposed primary school cannot be sited so close to the industrial sites on Thurston Road, especially the heavy industrial works at Allerton Industries; noise from which can frequently be heard in Brompton. Noise is not good for the children either in class or at play. It is quite remarkable that someone has deemed it appropriate to site a new school in this location.

The County Council is responsible for school provision in Northallerton and has been part of the steering group for the development of this site for a number of years. The selection of a central site for the school was made on the basis that it would form a hub of activity within the residential allocation, could be easily reached on foot and by car and by being in the middle of the residential development would reduce journey times for the majority of families that would have a school place there. Furthermore, while some industrial noise may be audible from the school premises, Council's Environmental Health Officer considers that the road is the primary noise generator and that this can be mitigated through design and layout of the school buildings/outdoor recreation space on site.

In this respect it is understood that the District Council requested Allerton Industries to move to its current site from its former premises in Romanby Road – i.e. to be away from residential properties and the nearby primary school, etc. Why therefore was something that was deemed to be inappropriate at that time now considered to be acceptable?

Allerton Steel, as a neighbouring landowner was consulted during the land allocations process in 2008 and there was extensive public consultation around the development of the Masterplan in 2011. No objections were received from Allerton Steel to either of those consultation processes. The adopted Masterplan depicts land to the north of the existing Allerton Steel premises for employment uses, which could be used for their potential expansion. However, this is subject to land purchase by Allerton Steel from the relevant landowner and planning permission, which would also require noise mitigation measures as part of any expansion proposal.

In any event, the noise reports submitted by the Applicants and Allerton Steel demonstrate that while Allerton Steel can generate high levels of noise throughout the day and night, the buildings to the north of the link road can be constructed with noise attenuation materials to comply with relevant environmental health guidelines, and in the longer term when the land to the south of the link road and behind Allerton Steel is developed a further noise attenuation buffer will exist to bring noise levels at those sensitive receptors well within acceptable levels.

In addition as regards school provision, what provision, if any, has been made for the associated increased secondary school places as there seems to be an assumption that from this development and from the new Castlegate development families will only have children of primary school age – on what basis has this assumption been made and what will happen when these children get to secondary school age?

County Education Department are responsible for determining school place requirements. They have not identified a need for additional secondary school places and the District Council cannot therefore require provision to be made. The District Council is currently in the process of reviewing its local plan and future land allocations, and it might be identified through this process if, where and when a further secondary school will be required; however, there is currently no need identified.

Likewise, the Council also strongly objects to any dwellings earmarked for the elderly to be sited anywhere within the vicinity of such industries. If elderly residents are to live in the area then they would be constantly in fear of the noise, etc. from the factory as would be the children.

With regard to the location of aged care housing, this is depicted on the adopted Masterplan to the west of Allerton Steel. Based on existing noise readings for the company, noise levels for that land would exceed acceptable standards for sensitive residential land uses; however, there are a number of noise attenuation measures that could be applied, such as through building materials of the aged care facilities or acoustic fencing, that could mitigate the impact. As the aged care use is currently only being applied for in outline, with all matters reserved for subsequent approval, noise and mitigation will be revisited at the appropriate time. The Council will not approve buildings if noise standards cannot be brought within acceptable levels.

Greater consideration needs to be given to those children who walk or bike to school from Brompton to the Allertonshire School and their safety. Especially maintaining the fact that they do not have to cross any roads; as when the bridge and roundabout are built this could mean heavy goods vehicles in the vicinity and increased traffic. The council would wish to see a footbridge or underpass being constructed to enable pedestrians and especially school children to access the Allertonshire from Brompton safely. The council is not in favour of maintaining a pelican crossing system as cars don't always stop at such crossings.

It must be identified that neither the allocations document nor Masterplan for this site specified the provision of an underpass. The construction of an underpass would have implications for controlling flood water given the proximity of flood zones 2 and 3, it would require extensive land take to provide the necessary embankment support, and would require an extensive capital payment from the developer (as would the construction of a footbridge) which would impact on the viability of the scheme.

The current proposal, shown on Plan No. 12003/GA/14 Rev A, prepared by Optima and provided at Appendix H of the Transport Assessment, is the provision of a central refuge island crossing facility on the link road at the Northallerton Road junction, which means that pedestrians can safely cross the road in two stages if required; this provision is based on Optima Highway's survey of existing non motorised users along this existing route, national guidance, and an assessment of the predicted number of pedestrians and vehicles. However, the Movement Framework provided on Page 48 of the Design and Access Statement identifies this location as a potential Toucan crossing point. NYCC Highways have been asked to provide advice and they have suggested that either option can be satisfactorily accommodated, but an updated road safety audit, and non motorised users audit will be required before the road is built, which will determine the actual requirement.

As regards the 30mph speed limit, will there be a 20 limit for all of the schools in this vicinity? Surely this is an opportunity not to be missed; also who will properly police the speed limits?

The speed of the link road would be 30mph for its entire length to provide favourable journey times around the town and thus making it a viable alternative route. While the school land would abut the link road, the school building and access would be provided to the north of that site and not directly off the link road and would be subject to a 20mph limit on the residential roads adjacent to the school. With regards to speed limits near other schools, this is a County Highways matter and not something that can be addressed through this application.

The council would wish to see the current 30mph speed limit extended further along Stokesley Road especially in view of the anticipated increase in traffic volumes in the vicinity.

The 30mph speed limit is to be extended northwards on Stokesley Road and is identified on the submitted highway plans. The responsibility for policing speed lies with the Police and has no bearing on this application.

As regards traffic matters that will affect Brompton, the council requests that Bowe Bridge, Station Road be made single traffic to cope with possible rat run from Northallerton Road towards Darlington Road.

This is a matter for County Highways to consider in the future if evidence suggests that such a measure is necessary once the development is complete.

There is also a possible safety issue here with regards the school with any increase in traffic levels since Brompton Primary School for some unexplained reason has continually been refused a 20mph speed limit and indeed is one of the few schools on

such a busy highway that does not have this safety benefit for its children in North Yorkshire. The time is now opportune to address this issue on safety grounds.

See comments above.

Due to accidents, several times this year the A19 has been blocked and all traffic has been diverted along Stokesley Road which has been a horrendous situation for Brompton and this will not be improved by the link road – Brompton has suffered with vehicles trying to make a quicker journey by travelling through the village only to cause more chaos.

When accidents occur they can make journey times on other roads difficult. However, unless there are evidenced based accident hotspots, it is difficult to account for/mitigate unpredictable events on any road in or around Northallerton/Brompton. This is therefore not a valid reason for rejecting the application.

When the Plan was being discussed the road from Brompton to Northallerton via the cycle path was sold to many people on the understanding that an underpass would be in place. However, this is now not to be the case instead we are to have a pelican crossing – due to the financial cost – the council asks what price do we put on a person/child's life? You yourself at the recent meeting of Brompton Council said that things could change with regard to the application – consequently let one of the changes be the provision of an underpass.

See earlier comments.

If the development is to proceed the Council would ask that all footpaths be provided with lowered areas for those in wheelchairs and guardians who use buggies.

This is a standard requirement of the Manual for Streets and will be insisted upon by the County Highways Department through their road adoption process.

A far more basic question must be the proof of need for this development at a time when other properties on nearby new developments do not appear to be selling. There would seem to be no evidence of need for the properties intended to be incorporated into this development. There is a great need for rented accommodation in Northallerton, as well as affordable housing, especially for older people and those wanting to down size because of the bedroom tax. There is no certainty whatsoever that this development will resolve these issues.

A discussion of housing need will be provided in Section 6.1 of this report.

What would be the effect on house prices and the demographics of the population of Brompton?

With specific regard to property values this is not, in itself, a planning consideration, for there is no provision within the Town and Country Planning Act or Adopted Development Plan which requires the Council to consider the impact on property values and there is often no specific evidence that supports the premise that a new residential development would decrease the value of other residential properties nearby or would notably alter demographics of Brompton to the extent that special measures would be required.

The council will leave the Brompton Flood Group to comment in detail on the concerns as regards future risk of flooding and adequate drainage provision. However an assurance is requested that the proposed SUDS will be of sufficient overcapacity to cope with flooding and are designed as such by Hambleton District Council.

There is a question of who owns the responsibility for the maintenance after the initial period has stopped and who is paying for it? Brompton Council strictly requires that it be given cast iron guarantees that the changes brought about by this or any other new development will not cause a backflow of water towards Water End Green or any other locations within the Parish of Brompton. Furthermore, as flooding and the effects upon the village must be a prime consideration these need to be rigorously addressed before work starts rather than creating a problem and then looking for a solution.

It is also essential that all improvements be put in place for flooding before work on the 150 houses is started since there is no guarantee that the remaining 650 will ever be built.

The Council therefore looks for improvement of the beck to deal with water flow also throughout its entirety including within Brompton Parish. Such improvements to include the protection of Church View, Brompton by extending the flood wall from Linen Way to Bowe Bridge in a similar manner as to how Brompton Community Primary School has been provided with a flood wall.

Is there any possibility of farmers grants being linked in the future to help with slowing run off water from their farms to protect Brompton, Northallerton and Romanby?

Finally in connection with flooding, the council would expect sympathetic materials to be used for all drives and hard standings at each property.

Hambleton District Council are not responsible for the design of water storage/drainage measures and have referred the application to the internal Drainage Board, the Environment Agency, Yorkshire Water and County Flood Protection team. Their advice is detailed within this report and any design revisions/measures that they request by planning condition will be included on any permission granted. Any off site improvements suggested by the Parish Council that are unrelated to the proposed development cannot be sought from this permission. Paragraph 204 of the NPPF states that planning obligations should only be sought from developers where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonable related in scale and kind to the development. With regard to maintenance of SUDS, Yorkshire Water advise that, as long as the basins/tanks, etc. are designed to their satisfaction that they will adopt and maintain them.

It is also suggested that there is a need for more local provision of healthcare as there are currently two doctors surgeries with long waiting times to get appointments and a hospital that seems to become less and less capable of providing a satisfactory level of service.

The Clinical Commissioning Group has been consulted on this application and they advised that there was no identified need for a new surgery in the area.

5.2.28 Northallerton Town Council

The Town Council states that it objects to the planning application and recommends that it is refused. Their response is provided in full in *italics* with officer comments following, however some points will be expanded in Section 6.

The Council has serious concerns about any form of development constructed on existing flood plains particularly when such development is of a high volume residential proposal as in this case. In recent times very severe flooding has occurred along the beck that passes in the vicinity of this proposed development and at its location throughout Brompton village. There are no guarantees that the same level of flooding will not similarly occur at this location once the construction on the flood plain has taken place. More importantly it is unclear as to how residents in Brompton and North Northallerton would be protected to minimise the increased risk to their residential properties.

The only development on the floodplain is the link road and bridge and the Environment Agency have required compensatory flood storage to be provided. They have requested submission and implementation of this detail by Condition and no works will commence until the EA are satisfied that the flood water can be captured safely elsewhere. Various other conditions relating to water run-off have also been suggested by the relevant flood management authorities and such detail will have to be approved by those authorities before any development may commence. As Hambleton District Council is not a flood management authority it relies upon the expertise of those other agencies to ensure that the scheme does not create off site flood risks.

It is also unclear as to how it is intended to treat foul and surface water from this new development at a time when it is understood that Romanby Sewage works is at 92% of its capacity and when the Yafforth Road developments and development at the former Milk Board site on Romanby Road are also taking place and will need to be connected to the Sewage Works.

Yorkshire Water is the statutory authority for foul water and advise that there is capacity for Phase 1 of the development but not sufficient capacity for the later phases. However, they are under a statutory duty to ensure that there will be sufficient capacity and have to work with the

developers to plan the timing of foul water upgrade works. Yorkshire Water confirm that the capacity issue is not with the Waste Water Treatment Works but with the sewer network. With regards to surface water, various measures such as detention ponds and underground SUDS basins are proposed and such measures are supported by the various water management authorities, subject to surface water run-off rates being restricted to greenfield rates, which is recommended be required by planning condition. Section 6.5 will provide further detail on surface water issues.

Of particular concern to the Township of Northallerton is the issue of the Low Gates Level Crossing; and, whilst your Council has stated that it is not responsible for the rail network there is however an over-riding detrimental effect on the town enhanced by this proposed development and the Local Authorities do of course have some input into the road infrastructure especially when related to the siting and size of new developments. As a consequence it is inappropriate for the District Council to try to distance itself from this overriding aspect of the application.

As has been well documented, the town becomes gridlocked frequently throughout the daytime and early evening; this is severely worsened when traffic may have to be diverted along this route from planned or unexpected closures on the A1 or the A19. Any proposed link road and bridge will in the main of course only affect the new development and will do nothing to decrease the traffic flows within Northallerton; it being estimated the link road and bridge will only alleviate 3% of the traffic flows at this point – thereby being at a considerable financial cost to achieve very little.

In addition the proposed increase in rail traffic over coming yeas seems to have been completely disregarded.

The very future of Northallerton's economic future and prosperity in essence revolves around a solution being reached with regard to the traffic issues in the town.

The issue of Low Gates is a problem which the Council is well aware of but this application will not make the impact of Low Gates worse. In fact part of the purpose of the proposed road is to provide an alternative route to Low Gates for some travellers as well as enabling the mixed use development to proceed. This will allow necessary housing to be built and bring some relief (although not a solution) to traffic movements to the town. It would not be acceptable to refuse development on allocated sites based on existing constraints on the town when the proposal itself is also accompanied by a measure to mitigate the impact of that development, which the link road does. In addition, the Council cannot require the developer to resolve an existing problem in the local area if the proposed development is not exacerbating the problem; the Government is quite clear that infrastructure requirements must be identified through a CIL 123 Priority List and that additional off-site developer obligations (for example through Section 106 Agreement) can only be sought if the obligation is directly related to the development.

The Council will continue to liaise with Network Rail and County Highways over Low Gates but it does not consider that the problem of Low Gates is sufficient to refuse the proposed application. The most significant impact on Low Gates level crossing is the amount of time the gates are lowered, which is entirely dictated by rail traffic, not road traffic.

With regard to the suggestion that the link road and bridge would only alleviate 3% of traffic flows, it must be noted that that is factually incorrect. Optima Highways has spent three years working with HDC, NYCC and their consultants Jacobs to update and validate the Strategic Northallerton Town Centre VISUM model (which is the world's leading software for traffic analyses, forecasts and GIS based data management) to fully test the impact of the North Northallerton proposals. The key findings and the modelling are:

- In the 2026 design year the introduction of the NNDA and Link Road would reduce traffic flows over the A167 Low Gates level crossing thereby reducing queues and delays. Two way traffic flows at this location **reduce by 164 and 232 vehicles** during the busiest morning and evening peak periods respectively. This represents a reduction of 10% and 13% in the AM and PM peak hours respectively and significant betterment when compared to the without North Northallerton (and thus it's Link Road and Bridge) scenario;
- Traffic flows along Quaker Lane reduce even more substantially in both directions; up to **260 vehicles** in the AM peak and **420 vehicles** in the PM peak. This represents a reduction of 42% and 62% in the AM and PM peaks respectively and therefore significant

betterment when compared to the without North Northallerton (and thus it's Link Road and Bridge) scenario;

- Consequently there are reductions in the capacity, queue and delay values when compared to the baseline position at the High Street/Quaker Lane, Brompton Road/Quaker Lane, and Stokesley Road/Northallerton Road junctions. This is notwithstanding that the capacity at these junctions will be improved further by the proposed mitigation schemes identified in the Traffic Assessment; and
- Due to the weight restriction on Quaker Lane, the HGVs currently routing down to Friarage Street (from A19/Teesside via A684) and back up the A167 High Street, will re-assign across the new bridge.

In summary then, the detailed strategic modelling using leading software demonstrates that the proposed Development with new Link Road and Bridge will provide a significant material reduction in traffic flows at Low Gates level crossing, as well as along Quaker Lane.

Equally importantly the Town Council finds it difficult to understand why the development within what is to be Phase 1 of the application – ie to the north of the Thurston Road Industrial Site, is even being considered as a location for residential development. If this residential development takes place then where in the future will Northallerton be able to expand its industrial facilities? Surely this land needs to be earmarked for future industrial use as once an alternative use such as housing takes place on this site there are then no alternative locations within the Northallerton area where industry can expand to upon an upturn in the national economy.

The very economic future of Northallerton and future job prospects will be curtailed once this appropriate industrial land has been built upon.

Indeed the very siting of this proposal is an issue – why add to Northallerton problems when there are areas to the east, west and south of the town that could be utilised for housing development and which would not add to the town's problems, especially as these alternative locations would not be suitable for any future industrial development should it be required in years to come?

Such sites to the east, west and south of the town would by their very location have fewer transport issues either related to the road or rail networks.

Land to the north of Thurston Road has been earmarked for mixed use development since the site was Allocated in 2010 including residential, retail, light industry and commercial uses. Furthermore, land to the west of Darlington Road, (north of Standard Way industrial estate) which does not form part of this planning application remains allocated for commercial, general industrial and storage and distribution uses. As a result, there is still land allocated for employment purposes and it is likely that land to the north of Allerton Steel on Thurston Road will be occupied by commercial or light industrial uses and/or the possible expansion of Allerton Steel. As this part of the application is in outline only, the allocation of use will not be determined until reserved matters applications are made at some point in the future. In any event, the principle of mixed use on the land north of Thurston Road is already established; it is the detail that has to be approved at the relevant time.

With regard to other potential sites for employment uses, the Council is in the process of reviewing its Development Plan and recently went through the first round of 'call for sites' consultation. This is one of the first steps in preparing a new Local Plan and establishes what land is available for development within the District over the future plan timeframe. If there are sites in the east, west and south that are suitable for development they can, subject to need, potentially be allocated through this process. However, at the present time the Council has an adopted plan and adopted allocations which have come forward for development and they must therefore be given due regard.

The Council is also concerned that there are no cast iron guarantees in place that would lead to the eventual construction of any link road or bridge since it seems that the developer is only being required to start construction on such facilities. Whether in reality this leads to any more substantial construction other than a minimum few holes in the ground etc. very much remains to be seen.

This matter will be discussed in detail in Section 6.3 of the report. In summary, however, the traffic assessment has identified that the road and bridge would not be required before 495 houses are built on this site, but as the Council consider that it is an essential piece of infrastructure for the town as a whole to provide an alternative to Low Gates it is expected to

be built in the first phase. Furthermore, as the Council has secured £6 million of funding from the Local Enterprise Partnership (LEP) towards construction of the link road and bridge, which has to be spent on the construction of the road and bridge by March 2017, there is an incentive for the developer to undertake the works with contribution from the LEP in the first phase, particularly as it would provide better access to their developments and thus increase sales potential. The developers have agreed to commence construction of the road and bridge in the first phase and this will be secured by Section 106 Legal Agreement between the parties.

As regards Affordable Housing it is understood that a higher quota may be achieved through the future development of other parts of the building Phases which are not the subject of the initial constructions. This however leads to concerns that there is an issue if the future Phases of the developments do not come to fruition, and there are no guarantees that future building will actually ever take place. It is also the opinion of the Council that any affordable housing should be strictly allied to local need.

This matter will be discussed in Section 6.4. In summary, while the Council has a policy of seeking 40% affordable housing on all schemes above 15 dwellings, this is subject to a viability appraisal of the development proposal. A viability appraisal is a complex process which factors in matters such as land costs, normal and abnormal build costs, sales values, and contributions towards on and off-site infrastructure. The greater the costs and contributions sought from the development, the less viable a scheme becomes, and therefore the less affordable housing that can be provided. If the District Council were to ignore the viability appraisal (which in this case has been independently reviewed and negotiated by the District Valuer on the Council's behalf) and seek a provision in excess of that shown as viable, the decision could be challenged by the applicant and the Council would find it difficult to defend its request. For this reason, it is instead appropriate to insist on a viability review, secured by legal agreement with the landowners, at various points in the development process. This will allow the Council to reassess build costs and sales values again in the future and if it is identified that changes in the market make the development more viable then the Council can secure more affordable housing.

However, this means that there may be more affordable housing in later phases than in the first phase and thus not as evenly distributed throughout the development as the Council would like.

With regard to affordable housing serving local need, this is a requirement of the District Council and is ensured by legal agreement.

This point therefore leads nicely onto the question of whether there is indeed any proven need for this development to take place at all within the Northallerton area – who is going to live in these houses and what is actually the proven local need for such a large development?

To the Council's knowledge there has been no proven need for such a large-scale residential development to take place in Northallerton comprising the type of dwellings envisaged in the application, particularly if only minimal Affordable Housing is going to be achieved.

The issue of need is determined by national government and their requirement for Council's to maintain a 5 year housing land supply based upon objectively assessed housing need. The issue will be discussed further in Section 6.1, however, it must be noted that National Planning Practice Guidance says that a housing market area is a geographical area defined by household demand and housing preferences and that such needs are rarely constrained precisely by local authority boundaries. Instead it is considered that a housing market area is a geographical area reflecting the key functional linkages between places where people live and work. It is therefore advised that local planning authorities should establish their housing needs through joint working with other local authorities in the relevant housing market area. What this means is that some of the housing allocated in Hambleton will be taken up by people who work in other local authority areas, but this cannot be avoided.

Notwithstanding, the allocation of affordable housing will be restricted to those people who have a recognised connection to the local area, as per the criteria below:

- Currently live in the Northallerton Sub Area (i.e. Northallerton, Romanby and Brompton) and have been resident for at least 6 out of the last 12 months; or
- Have lived within the Northallerton Sub Area for at least 3 years out of the last 5 years; or

- Are employed in the Northallerton Sub Area. Employment is defined as meaningful permanent full or part time. Not casual or seasonal.
- Have an essential need to live close to another person, to provide or receive care or support, who currently lives in the Northallerton Sub Area, and who has been resident for the last 5 years, In this case the applicant can only bid to a Local Authority where the family member resides.
- Has a close family member residing in the Northallerton Sub Area that has done so for the last 5 years. (mother, father, adult son, adult daughter, adult brother, adult sister):
- One of the partner local authorities has accepted a duty to house the applicant from another council under the terms of Housing Act 1996 part 7.
- People who need to move to a particular locality in the Northallerton Sub Area, where failure to meet that need would cause hardship (to themselves or others) and that will resolve this need. (Examples of hardship are given in Appendix 20). Applicants would be restricted to applying for accommodation in the Local Authority area where employment / training / family member resides.

However, if a local person in need of the accommodation cannot be found, a cascade mechanism exists to widen the search area to the District as a whole. The above provisions would be secured by Section 106 Agreement.

Applicants who do not have a local connection may not qualify for access to the housing register.

Finally, as regards the proposed development itself the Town Council has serious concerns about the placing of both a Primary School and Aged Persons accommodation in close proximity to industry, particularly in the vicinity of the heavy industrial site at Allerton Industries. It is totally inappropriate for young children to have to spend their days so near to this very noisy site and it is also equally inappropriate for elderly people.

See Comments provided in Section 5.5.27 in response to Brompton Town Council.

5.2.29 British Transport Police

A late response provided below in *italics* has been provided by British Transport Police:

- *BTP has serious concerns about the positioning of the new Primary school in between two very busy and very fast railway lines. The Middlesbrough Line and the East Coast Main Line.*
- *We would also like to see more detail about the proposed green spaces around the new bridge. If they have to be adjacent to the tracks their design will have to be very carefully considered to discourage trespass and stone throwing.*
- *The entire area would need large scale upgrading of railway fencing to prevent the increased numbers of children living locally from gaining access to the tracks.*

As the location of the school is in outline only, with no detailed design of the building or its perimeter, it is considered that safety concerns can be overcome at the detailed design stage with involvement of British Transport Police at the relevant time. With regard to the concerns of accessibility of the railway line from the site, it is considered that this is most likely to be controlled through separate permissions and agreements with Network Rail, however, a planning condition can require further detail of the interface with the railway line prior to the occupation of any of the dwellings.

5.3 Public Notification

Members of the public were notified by way of letter (a total of 334 letters were sent), press advert, locally posted notices, and a website release on the Council website. To date the Council has received 15 letters of objection but no explicit letters of support. The objections relate to the following issues, some of which have been addressed in response to statutory consultees above, and some of which will be addressed or elaborated on in section 6:

Highways:

- The proposal would lead to greater congestion in Northallerton. A better solution would have been a Northallerton bypass to take traffic out of the town.

- An additional roundabout at Brompton Road and Northallerton Road would be better than creating an awkward crossroads.
- The proposed link road would be noisy and dangerous to cross, especially for children.
- Increased traffic on Northallerton Road will mean it is much more dangerous for cyclists and school children walking to schools in this area.
- The proposed link road will do nothing to alleviate congestion that is created by the Northallerton – Middlesbrough railway line dissecting the town with the main crossing point being at Low Gates at North End. This is not an issue addressed in the application and no resolution is apparently under consideration by the Council.
- The solution to Northallerton's traffic congestion is to build a bridge over Low Gates.
- The solution to Northallerton's traffic congestion is to redirect the railway.
- The Council could offer some financial incentive to Network Rail towards the costs of diverting the line before building over the railway makes such a move impossible.
- How are children and elderly residents going to be able to cross the new road to town and back?
- The alignment of the link road does not accord with the alignment in the adopted Masterplan for the site.
- The road and bridge should be constructed before any houses are built.

Flooding/Drainage:

- A high number of properties would be built on floodplain and would therefore be liable to flood.
- Brompton Village regularly floods. The proposal is to build a substantial amount of hard surfacing on existing fields just up the hill from Brompton Village, which will result in overspill to Brompton.
- Land raising on Northallerton Road to construct the new houses could cause off-site flooding to adjacent existing houses because they presently have a ground level above the adjacent fields and are therefore not impacted by standing water that sits on the fields after periods of heavy rain. This would change if the field levels were changed to align with existing property ground levels.
- The Sewage works for the town is already at 98% capacity.
- The Council should use CIL to make up the missing funds for flood alleviation schemes in Brompton and Romanby.
- Housing Need:
 - At a time when over 1,300 jobs have been lost locally, there is no need for new houses.
 - There is already a surplus of houses on the private housing market in Northallerton, Brompton and Romanby, many of which have remained unsold for a considerable length of time, proving there is an oversupply.
 - There are more appropriate locations within the District for the existing housing stock to be supplemented.
 - The limited provision of affordable housing should be resisted, because if demand for housing does exist, it is surely likely to be in the affordable housing bracket.
 - Utilising this site for housing prevents further industrial growth and thus enhanced employment opportunities.
 - There are currently at least three housing developments underway or proposed in Northallerton (industrial ground opposite Standard Way, the former Prison, and the site of the Scout and Guide Group huts on Malpas Road); over development is not an answer to housing needs.

Loss of Green Fields:

- The pleasant break between Brompton Village and Northallerton would be lost turning Brompton into another suburb of Northallerton.

- The green belt of land between Northallerton and Brompton is important to maintain the identity of the village. Residents reserve the right to challenge in the courts any change to the decision to maintain the Brompton Green Belt.

Miscellaneous:

- House values nearby would be reduced enormously due to increased noise and traffic intensity.
- Noise from Allerton Steel potentially resulting in poor amenity for residents and children at the school and/or restrictions on the operating hours or potential expansion opportunities (which could lead to more local jobs) of Allerton Steel.
- There would be reduced amenity at neighbouring properties on Northallerton Road from the close proximity of the new buildings to existing dwellings.
- Shopping locally includes existing shops and supermarkets in the town. As there are many shops already empty, will additional outlets increase vacancy rates?
- The development seems to imply a significant negative environmental impact. How are the developers going to ameliorate or offset this devastation?
- The proposed development has moved outside of the development limits and cannot be approved as a result.
- The level of affordable housing is not declared but is rather 'subject to viability'. What is the level proposed?
- The phasing of development does not comply with the Development Plan Allocations Document. The Council approved dwellings from later phases in this phase.
- The quality of some of the documents submitted has been poor, particularly the mapping.
- The planning application falls foul of the principles established within the Rochdale cases (*R. v Rochdale MBC ex parte Milne* (No. 1) and *R. v Rochdale MBC ex parte Tew* [1999] and *R. v Rochdale MBC ex parte Milne* (No. 2) [2000] that sufficient information to enable 'the main,' or the 'likely significant' effects on the environment to be assessed...., and the mitigation measures to be described, and could therefore be subject to future challenge.

Noise:

Specifically with regard to noise, Allerton Steel also lodged an objection accompanied by their own independent acoustic report prepared by Dragonfly Consulting. The conclusion of the Dragonfly report is provided in *italics* below:

The assessment has shown that the existing operation of Allerton Steel Ltd will have significant adverse impact on the proposed residential development for this site.

Given the context of this assessment, it is considered that these noise levels are significantly above the Significant Observed Adverse Effect Level for this assessment.

The assessment provides a strong indication that the proposed residential dwellings will be significantly negatively impacted by the existing commercial noise sources to the south of the proposed development site, in particular Allerton Street Ltd.

Furthermore, that impact will increase once the noise from the proposed link road is factored into the assessment, resulting in noise levels in gardens and amenity areas in excess of those considered 'desirable' within BS8233:2014.

A full copy of the Dragonfly Consulting report is available on Public Access but will be discussed in Section 6.7 of this report.

6.0 OBSERVATIONS

The principle of development for mixed use in this area is established by the allocation of the majority of the site in the Allocations Development Plan Document, as identified in Section 3. The main planning issues, many of which have emerged through consultation, to take into account when considering this application therefore relate to the following:

- Housing Need (Section 6.1)
- Suitability of the Mix of Outline Land Uses (Section 6.2)

- Transport Considerations (Section 6.3)
- Affordable Housing Provision (Section 6.4)
- Drainage and Flooding (Section 6.5)
- Nature Conservation (Section 6.6)
- Noise (Section 6.7)
- Design and Landscaping (Section 6.8)

6.1 Housing Need

- 6.1.1 There have been a number of objections lodged with the Council suggesting that there is a lack of need for houses in Northallerton and/or that the proposal does not accord with the phasing timetable identified within Allocation NM5 and Development Policy DP11, such that the development should not be allowed to proceed. There have also been suggestions that because the proposed Development expands the Development Limits an outright refusal is warranted.
- 6.1.2 While it may be the case that there are many homes up for sale in Northallerton and that other sites, such as York Trailers, are under construction, based on population growth and projections, the Council is required to identify and help bring forward land for housing to meet future need.
- 6.1.3 Indeed, it is necessary to highlight that since the LDF was adopted, the Government has issued the National Planning Policy Framework (NPPF), which is a material consideration in the assessment of planning proposals. Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by using their evidence base to ensure that their Development Plan meets the full, objectively assessed housing need (hereafter referred to as FOAHN) for market and affordable housing, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. Paragraph 47 also specifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and completion in the market. Paragraph 49 asserts that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 6.1.4 Hambleton's LDF predates the NPPF and was prepared in the context of the Regional Strategy for Yorkshire and Humber (RSS), which has now been revoked. The RSS was used to inform the basis of the housing requirements set out in the Core Strategy at Policy CP5 (being 320 houses per annum between 2004 – 2011, 290 houses per annum between 2011 – 2016, and 260 houses per annum between 2016 – 2021) and was a constrained figure aimed at directing some of the growth that would have otherwise occurred in the region's rural areas, such as Hambleton, to the region's cities and conurbations. Hambleton's identified housing need within the LDF is consequently a restrained figure and not based on the area's FOAHN² and is therefore out of date. In that regard Policy CP5 carries no weight in the consideration of this application.
- 6.1.5 In recognition of the conflict between the LDF and the NPPF on housing need and supply requirements, in November 2013 the Council's Cabinet considered a report³ on the 5 year supply of deliverable sites. The report contained an analysis of the supply position, as at 1 October 2013, of sites with planning permission and sites allocated for future development.
- 6.1.6 The report concluded that the Council was not in a position to maintain a 5 year supply of deliverable housing sites and that there would be a continued deficit if the LDF phasing restrictions remained in place. The report therefore recommended the

² For clarity, National Planning Policy Guidance (NPPG) advises that the assessment of FOAHN involves three stages. The adjustment of the latest household projections on the basis of robust demographic evidence, further adjustments to account for job trends and a final adjustment to reflect changing market signals in quantity and price.

³ http://democracy.hambleton.gov.uk/Data/Cabinet/201311050930/Agenda/051113_Item_5.pdf

relaxation of Phasing Policy DP11 in the DPD to help meet the shortfall by releasing sites allocated in Phases 2 and 3 early. The Cabinet endorsed the recommendations of the report and this was subsequently ratified by full Council on 10 December 2013.

- 6.1.7 Despite relaxing the phasing, and work having commenced on a new Development Plan, which includes reviewing housing site allocation and provision, Hambleton's level of housing need and site provision and delivery has been called into question through a number of recent planning appeals, for example at Easingwold, Great Ayton, Huby and Stokesley whereby the Council opposed housing applications on unallocated sites. The Council's position at those appeals was that it could demonstrate a 5 year housing land supply to meet the need due to phasing having been relaxed; the developers' argument was that the Council could not demonstrate a 5 year supply and that housing on these alternative unallocated sites should therefore be permitted.
- 6.1.8 Planning Practice Guidance confirms that establishing future need for housing is not an exact science and that no single approach will provide a definitive answer. Indeed, this is no more demonstrated than in the decisions for Great Ayton, Huby and Stokesley whereby the Inspector in the Huby appeal came to a different conclusion to the inspectors in Great Ayton and Stokesley on the figure for Hambleton's FOAHN. Notwithstanding, each of those decisions identified that the Council did not have a 5 year supply.
- 6.1.9 The Huby decision decided on 27 May 2015 (Planning Application Ref. 12/01243/FUL) identified that Hambleton had a requirement of 470 dwellings per annum, while the Great Ayton decision decided on 10 July 2015 (Planning Application Ref. 13/02275/OUT) and the Stokesley decision decided on 07 Sept 2015 (Planning Application Ref. 14/00337/OUT) identified that Hambleton had a requirement of 458 dwellings per annum. These decisions therefore confirm that the provision in Policy CP5 of the LDF (of 290 houses between 2011 – 2016 and 260 houses between 2016 – 2021) is too low and that relaxed phasing is justified.
- 6.1.10 However, in addition to the annual requirement, as noted above, the NPPF requires an additional 5% to be added to ensure choice and competition in the market, as well as the addition of house building shortfall from the previous years. When these figures were taken into account, the Inspector at Huby found that Hambleton has a housing requirement of 587 dwellings per annum, the Inspector at Great Ayton found a housing requirement of 608 dwellings per annum, while the inspector at Stokesley found a housing requirement of 643 dwellings per annum.
- 6.1.11 When all unpermitted allocated sites, undeveloped sites possessing planning permission, and windfalls were considered, it was determined in Huby that Hambleton has only 4.8 years worth of housing supply, it was determined in Great Ayton that Hambleton has only 4.4 years worth of supply, and it was determined in Stokesley that Hambleton has only 4.24 years worth of supply. What these decisions therefore demonstrate is that there is a need for the housing proposed at North Northallerton, it is greatly emphasised in National Planning Policy, and that to avoid sporadic development in unsustainable and unplanned locations, the allocated sites should be encouraged to come forward. The proposal is therefore compliant with Policy CP1 which seeks to ensure that development is sustainable, it is consistent with Policy CP2 which seeks to minimise the need to travel, and continues to meet the general requirements of Policy CP6 which seeks to deal with the sustainable distribution of development.
- 6.1.12 With regard to the expansion of the Development Limits, Policy CP4 requires an 'exceptional case' to be made in line with certain sub clauses and Policy DP9 has similar requirements. However, as highlighted in the Huby and Stokesley decisions, the development limits were defined in the context of the restrained development strategy, do not accord with the the NPPF, and cannot be considered up to date where the Council has to meet a higher FOAHN. The use of some greenfield land outside of the Development Limits is therefore inevitable and other exceptional circumstances should not be precluded; so Policies CP4 and DP9 are deemed to have limited weight in this instance. This is particularly so given that the application site accords, for the most part, with the allocation and is consistent with aims and objectives of the allocation.

- 6.1.13 In addition, it is necessary to bear in mind that the expansion of the site has to be viewed in the context of the infrastructure requirements being sought from the developers, specified through Policy DP2 and Allocation NM5F. The Link Road and Bridge envisaged by Allocation NM5F was intended to be delivered from pooled contributions from various developers and accrued over time; however, the Council and NYCC Highways are requesting that the applicants deliver the road and bridge in the first phase in recognition of the wider benefit that it would have for Northallerton and the other site allocations in the NM5 area. The applicants have agreed to provide the land and deliver the construction of the entire road and bridge, but this places an additional financial burden on them above that required by the new Community Infrastructure Levy (CIL) tariff (see Section 6.3 for more detail). In addition, the primary school has been added to the Allocation into one of the core residential areas. Therefore in order to make up the additional infrastructure funds, and in order to replace the residential land now allocated to the school, the proposal includes expansion of the Development Limits for additional market housing.
- 6.1.14 Had Allocation NM5C, which relates to land owned by the Church Commissioners, and Allocation NM5E to the west of Darlington Road also come forward at the same time the cost burden for funding the infrastructure would have been shared by an additional developer, and expansion of the development limits may not have been required or justified. As that is not the case, the Council has to weigh up benefit and harm of expanding the Development Limits and, as will be demonstrated elsewhere in this report, the planning officer considers that the benefits of allowing the road and bridge to come forward in a timely manner, outweigh the harm of expansion, particularly when also considered in light of Hambleton's housing shortfall.
- 6.1.15 Thus, given that the site is allocated for development of the type proposed, given that it would immediately contribute towards the delivery of required housing, and given that it can deliver important infrastructure for the town, the need for the Development is demonstrated and no other material considerations would lead to a different conclusion.

6.2 Suitability of the Mix of Outline Land Uses

- 6.2.1 In addition to the proposed residential use of the land, the proposal incorporates a Local Neighbourhood Centre containing retail and services, a primary school, an extra care facility, open space/recreation land and commercial/employment use. This is commensurate with the NPPF (Paragraph 38), which states that for larger scale developments, planning policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including working on site. Where practical, particularly within large scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.
- 6.2.2 The proposed uses will be discussed in turn. However, as each of the uses would be subject to reserved matters applications, it is important to note that there is limited dialogue on design or layout.
- Local Neighbourhood Centre
- 6.2.3 The proposed Local Neighbourhood Centre (LNC) is proposed to equate to a floor area of 1965 m² (as identified in Chapter 3 of the Environmental Statement), and is proposed to comprise Use Classes A1 (Shops), A3 (Restaurants and Cafes), A4 (Drinking Establishment), C1 (Hotel) and D1 (Non-Residential Institutions), which includes clinics, health centres and crèches for example. The LNC would also be located to the east of Darlington Road, at the western entrance to the site, adjacent to the proposed village green, within allocated site NM5D.
- 6.2.4 While NM5D is allocated for mixed housing and employment development, the aforementioned uses are not specifically endorsed within that allocation. However, the adopted 2011 Masterplan for the site identified a need for a community hub on the site and the proposed location for the LNC accords with that in the Masterplan. Given the extent of this allocation in the Local Plan and the fact that it will contribute towards meeting the target of achieving at least 51% of all new development within Northallerton, it is essential that this new neighbourhood has all the necessary facilities within close proximity to make the new development as sustainable as possible. This corresponds with the principles of Policies CP1, CP2 and CP3 for developments to include a sustainable and complementary mix of uses, minimise the

need to travel particularly for everyday needs, and provide a focus for activities and improve community well being. In that regard, and while the applicants have not submitted specific details for the actual floorspace of each suggested use class, each of the uses are supported in principle.

- 6.2.5 During the course of the application, however, the applicants submitted a Retail Impact Assessment (RIA) for a supermarket within the LNC. The RIA stated that the supermarket is anticipated to comprise up to 1,723 m² gross retail floorspace and would most likely be occupied by a discount food retailer. When having regard to the floor area suggested by the Environmental Statement for the LNC, the proposed supermarket appears to constitute the bulk of the Centre space, leaving little room for the other mix of uses.
- 6.2.6 Local Plan Policy DP23 states that retail proposals in excess of 500 m² gross in size will not be permitted outside the primary retail areas designated under Policy DP21 unless the proposal can be demonstrated to be acceptable under national planning policies in PPS6. For clarity, PPS6 has been revoked but its main principles have been translated into the NPPF.
- 6.2.7 The NPPF is very clear on a 'town centre first' approach. Paragraph 24 of the NPPF states that local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. This is known as the 'sequential test'. Secondly, local planning authorities are then required to consider the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability. This is known as the 'impact test'.
- 6.2.8 The Council engaged England and Lyle Planning Consultants to review the applicants' RIA and provide advice on the robustness of the assessment. It was identified that while the applicants' impact assessment was generally correct, in that the proposed supermarket in North Northallerton would not harm the vitality and viability of the town centre, it had failed the sequential test because it had dismissed the availability of part of the former HM Prison Site, which has identified through its adopted Masterplan the provision of a foodstore to the southern part of the site. Furthermore, as the former HM prison site is under the sole ownership of Hambleton District Council the redevelopment of the southern part of the site for a foodstore could be brought forward as a first phase of development in advance of development options for the wider Northallerton Prison site.
- 6.2.9 Pursuant to the Paragraph 27 of the NPPF, where an application fails to satisfy the sequential test it should be refused. The applicants were therefore advised that the Council could not support its application for a supermarket in excess of 500 m² gross in size, as it would be contrary to Local and National Policy.
- 6.2.10 The applicants disagree with the planning officers on this point but have advised that they will not pursue the larger retail unit at this stage. This does not prevent the applicant from making a fresh application for the supermarket at a later stage, but for the purpose of this application, it is considered necessary to include a planning condition on any permission granted to restrict the size of any individual retail unit on the site to no more than 500 m². This is in line with Local Plan Policy DP24, which states that proposals for small scale retail developments (below a threshold of 500 m²) outside the primary retail area boundaries will be permitted where these serve neighbourhoods and residential areas and would not jeopardise the vitality and viability of the primary retail area.
- 6.2.11 It is considered that the addition of the mixed use area at the scale proposed, with a small supermarket, is likely to attract users from a relatively small catchment, most likely within the body of the site and would be a valuable community facility. A small supermarket with the other A Class uses is therefore supported in principle.

Commercial/General Industrial Use

- 6.2.12 According to Chapter 3 of the Environmental Statement, the proposal includes the provision of 3250 m² of employment floorspace, in use classes B1 (Business) which includes offices, B2 (General Industrial) and B8 (Storage and Distribution). It is

unclear from the illustrative Masterplan submitted with the application where the commercial/industrial uses are proposed to be located, particularly as Allocated Site NM5E to the north of Standard Way which is allocated for all of these uses, is excluded from the application. However, as noted in Section 3.7 above, Allocation NM5D to the east of Darlington Road provides for B1 and B2 uses, thus it is likely that the land to the south of the link road shown on the Illustrative Masterplan as 'detail to be determined' is the relevant location.

- 6.2.13 This location would in theory be appropriate for employment uses because it can integrate with similar uses that front Thurston Road. Furthermore, it would form an interface between heavy manufacturing on Thurston Road and the new residential neighbourhood to the north, which could in practice also act as a noise buffer for the dwellings to the north, as will be discussed later in this report. Additionally, and as promoted by Local Plan Policy DP16, the provision of mixed use schemes can improve accessibility between homes and jobs and they embody sustainable development principles. They are therefore to be encouraged particularly if it can be demonstrated that there would be no unreasonable adverse impacts resulting from the proximity of the uses to the residential development to the north. However, as the proposals are in outline, it is difficult to determine whether there would be any adverse impacts arising, although noise is an obvious concern (particularly from B2 uses), and design and highways movements from the B8 uses is also noted given that B8 uses tend to be larger footprint uses with heavy goods vehicle movements.
- 6.2.14 When dealing with multi-stage consents that have been subject to an Environmental Impact Assessment, National PPG states that:
- “The likely significant effects of a project on the environment should be identified and assessed at the time of the procedure relating to the principal decision. However, if those effects are not identified or identifiable at the time of the principal decision, an assessment must be undertaken at the subsequent stage. Under the Town and Country planning system this could be prior to the approval of reserved matters following a grant of outline planning permission; or of matters required by a condition attached to a full planning permission.”*
- 6.2.15 With that in mind when considering proposals with limited information the Council can either refuse the development or they can seek further environmental information at the time of discharge of conditions or submission of the relevant reserved matters application.
- 6.2.16 With regard to proposed B8 use class, it is important to recognize that the Allocations Document and the adopted Masterplan for the site located the larger footprint uses in the less sensitive location to the west of Darlington Road whilst higher quality, finer grained offices and workspaces were identified for the east of Darlington Road along the interface with the new residential neighbourhoods. No justification has been provided by the applicant to vary this allocation or layout, although it is feasible that B8 uses can be small scale and should not necessarily be deemed inappropriate on this site.
- 6.2.17 That said, it is noted that the Transport Assessment (TA) submitted with the application has assessed the development impact of the 900 dwellings, an extra care facility of 60 beds, and B1 and B2 employment uses, but it has not assessed the impact of B8 uses in this location or provided any assessment of the suitability of the width and splays of the proposed access roads off the south side of the link road into this part of the site for storage and distribution type vehicles. While it is acknowledged that this would form part of a reserved matters application, it is questionable whether access/egress from the southern side of the link road for storage and distribution vehicles can be achieved safely and while maintaining the desired free flow of the road. In this regard, it is considered necessary to prohibit by planning condition the use of any of the site for B8 uses until such a time that a revised Transport Assessment has been provided to the Council's satisfaction to demonstrate that the link road and any side access roads can safely accommodate the necessary vehicles (notably HGVs) and that a revised acoustic assessment has been provided demonstrating that noise from those vehicles or any refrigerated storage unit would not detrimentally impact on the surrounding residential uses elsewhere on the site.
- 6.2.18 Similarly, with regard to the B1 and B2 uses, while they accord with the objectives of

the allocation and adopted Masterplan, no specific acoustic survey results have been able to be provided to satisfactorily conclude that such uses would not harm the amenity of the proposed sensitive land uses, such as the dwellings and the school. While it is noted that Chapter 11 of the ES has identified maximum internal noise levels within the proposed industrial units, this will require further assessment as part of any reserved matters application. This should be required through condition on any planning permission granted. Notwithstanding, the uses are in principle acceptable in this location.

Play and Open Space

- 6.2.19 The proposal includes approximately 19 hectares of open space/recreation land, consisting of a village green, outdoor sports pitches, formal and informal amenity space, all age play areas and allotments. Local Plan Policy DP2 identifies the need for developers to provide public open space, and sport and recreation facilities to serve new residents, Policy CP19 gives support to proposals that lead to the provision of additional recreational assets, Allocation NM5G, which is located within the site, is allocated for recreational development, while the development of a Northallerton Sports Village is one of the Council's priority infrastructure projects that will be funded through CIL receipts. The proposal to include such extensive play and open space, and the proposed dedication of the land by the applicants to facilitate the future development of the sports village and allotments will therefore make that project a realistic prospect and will provide notable benefits to the community.
- 6.2.20 With regard to the location of local equipped play areas, indicative locations are shown on Page 68 of the submitted Design and Access Statement. One is proposed immediately to the north of the primary school land and one is proposed within the sports village. These locations were identified through discussions with officers of Hambleton DC and NYCC as the areas most accessible to new residents of the development. The uses and locations are therefore supported in principle.

Primary School

- 6.2.21 The application seeks outline permission for the provision of a primary school for a two form entry, but on land of at least 2 hectares to allow for future expansion if required. The location of the proposed school is the result of input of the NYCC Education Department, who considered that its location to the west of the railway line and to the north of the link road would best serve the majority of the proposed new residents.
- 6.2.22 There is local concern that education infrastructure would not be sufficient, however, NYCC Education is satisfied that there is sufficient capacity for high school places to accommodate children from the development. However, this is not the case for primary school provision, which is why it is advanced on this site.
- 6.2.23 However, despite identifying the plot for the school, no detailed design has been undertaken. One of the key recommendations of the NYCC Education Officers though, is that the school should be accessed from the residential roads to the north, east or west of the site and not from the link road itself, and based on the illustrative layout in the Design and Access Statement this is seemingly achievable. Consideration will also have to be given to noise attenuation measures in the design process of the school, as discussed in Section 6.7 of the report, due to high noise levels from the road, but this is also achievable.
- 6.2.24 NYCC require the land to be dedicated during the first phase of the development so that the school is built to be operational for intake of pupils in 2018. However, like the Sports Village, the school is one of the Council's priority infrastructure projects and will therefore need to be funded from CIL receipts, although there would be funding options open to NYCC to overcome the delay on the receipt of CIL funds. Notwithstanding that, the proposed use of the land for the school has policy support, is in a sustainable location and would at some point in the future meet the shortfall of school places that currently exists.

Extra Care Facility (i.e. Nursing Home)

- 6.2.25 The proposal includes the provision of a 60 bed extra care facility somewhere on the south side of the link road as part of the mixed use allocation identified in Allocation NM5D. This accords with the requirement in Local Plan Policies CP8 and DP13 for

housing proposals to meet the needs of all sectors of the community, including the needs of elderly people. Objections have been lodged regarding the possible location of the aged care facility so close to Allerton Steel on Thurston Road, because of the potential noise impacts to elderly residents; however, as will be discussed in Section 6.7 of this report, it is feasible for an extra care facility to be designed with sufficient acoustic attenuation measures, such that it is not considered reasonable to refuse this part of the proposal or direct it to be relocated elsewhere on the site until more detailed acoustic testing has been undertaken as part of a reserved matters application.

Summary

- 6.2.26 In summary, the proposed uses sought in full and outline are entirely commensurate with the Local Plan Allocations Document and the adopted Masterplan for the site, and are in principle worthy of support subject to other relevant considerations, such as drainage and flooding, noise, highways access, etc.

6.3 Transport Considerations

- 6.3.1 The proposal includes the construction of a new link road and bridge over the Northallerton to Middlesbrough railway to help mitigate the impact of the development itself and to provide some relief to Northallerton Town Centre. This is a key aspiration of Allocation NM5F.
- 6.3.2 As already discussed in Section 6.1 above, the need for the level of housing proposed is demonstrated by the Council's current lack of a 5 year land supply and shortfall of new homes, which has largely resulted from the economic downturn earlier in the decade. However, housing should not be supported in isolation of the necessary infrastructure to connect it to the settlement of Northallerton nor to the significant detriment of the existing highway network.
- 6.3.3 While the aspiration of the Council (as per Local Plan Policy CP2) and central Government in the NPPF is to design developments so as to minimise the need the travel, it is reality that most households own a car and use it on a daily basis. Planning housing growth must therefore include planning, revising and evolving new and existing roads but this takes time and the benefits are not necessarily realised in the short term.
- 6.3.4 There have been numerous objections submitted arguing that the proposal would lead to greater congestion in Northallerton and that because the link road does not solve the problem of queuing traffic at Low Gates level crossing in the town the proposal should be refused. The officer has already provided a response to these suggestions in response to the Town Councils' submissions in Section 5 of the report; however, it is important to reiterate that the issue of Low Gates is a problem which the Council is well aware of but that this application will not make the impact of Low Gates worse. This is because the most significant impact on Low Gates level crossing is the amount of time the gates are lowered, which is entirely dictated by rail traffic, not road traffic. The Council will continue to liaise with Network Rail and County Highways over Low Gates but it does not consider that the problem of Low Gates is sufficient to refuse the proposed application. The focus of the highways assessment in this report and the decision making involved for this application must therefore be on the impact of the development itself on the highway network and whether that can be alleviated, rather than on whether it solves existing highway problems. Resolutions to existing problems are of course desirable but not mandatory.
- 6.3.5 As identified in Paragraph 32 of the NPPF all developments that generate a significant amount of movements should be supported by a Transport Assessment and decisions should take account of whether:
- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - Safe and suitable access to the site can be achieved for all people; and
 - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be

prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 6.3.6 As an historic town, the road network in Northallerton has evolved over time consisting mainly of a number of radial routes emanating from the centre of town and connecting it to places such as York, Darlington, Richmond, Harrogate, etc. While the network was once well planned and sufficient, the congestion now caused through level crossing closures and traffic volumes at peak times is now a constraining factor for housing, employment and business growth. Indeed, with the Low Gates crossing at the northern end of the High Street being closed for a minimum of 20 minutes per hour and Network Rail indicating that freight movements may increase on that line, further barrier down time is anticipated. The town's housing growth needs and employment land growth needs will undoubtedly generate additional traffic and traffic modelling has highlighted that the road network is not equipped to take the extent of this growth.
- 6.3.7 A key objective of Allocation NM5F is therefore to add capacity to the local road network to enable growth, as well as provide an alternative for transport users to move around North Northallerton or between Northallerton and other locations without being delayed at the level crossings, such as Low Gates. The proposed 1.4 km addition of the link road would therefore add that capacity and would allow the mixed use development to proceed to meet the needs of the existing and future community.
- 6.3.8 The route of the road and how it sits in the context of the North Northallerton development area has been established through an extensive masterplanning exercise, supported by the applicants' traffic consultants, NYCC Highways, Network Rail and the Homes and Communities Agency's Advisory Team for Large Applications (ATLAS). Preliminary work to enable a detailed design has been undertaken and this has been supported by additional technical work including geotechnical surveys and flood impact assessments. The link road is principally designed to 'Design Manual for Roads and Bridges' (DMRB) standards and has sought to balance the urban requirements of the route, i.e. managing traffic speeds and promoting pedestrian/cycle movements against the strategic requirements to ensure it remains an attractive route for commercial and other vehicles wishing to avoid Low Gates level crossing and the town centre. It would therefore be 7.3 m wide, have a 30 mph speed limit, have a 3 m wide shared footway/cycle way to one side and a 2 m wide footway to the other, a 70 m stopping sight distance, street lighting, and on carriageway bus stops (i.e. no bays).
- 6.3.9 The link road would be accessed from the creation of two new roundabouts, one on Darlington Road and one on Stokesley Road and both would reduce/manage vehicular speeds as drivers transfer from a rural to an urban environment thereby enhancing highway safety and encouraging pedestrian/cycle trips; they would also provide a defining location for a change in the speed limit. Where the link road crosses Northallerton Road though, it is proposed to form a 'ghost island' right turn priority 'T' junction with the northern section of Northallerton Road leading to/from Brompton. The remaining southern section of Northallerton Road between Stokesley Road mini-roundabout and the link road will become a cul-de-sac to vehicular traffic and a turning head provided.
- 6.3.10 There have been suggestions from the public that the T Junction at Brompton Road and the link road should be replaced with a roundabout. It is, however, important to note that the link road has been designed to primarily function as an alternative route through Northallerton (particularly for HGVs), at the request of NYCC highways, who will become the adopting authority. This has had the effect of altering the original vision of the road as a low speed village street, to a more strategic through route, which therefore needs to benefit from the least number of formal stopping/slow points. In addition, further reasons why Northallerton Road does not form an 'all movements' crossroad or roundabout junction with the link road is because there is a desire to create a safe route for pedestrians and cyclists travelling between Brompton and Northallerton, and by leaving the through road open there are concerns that the southern section of Northallerton Road would effectively become a rat run.
- 6.3.11 The design of the link road has been approved in principle by NYCC Highways as the LHA that will adopt and maintain the infrastructure. Their comments have been provided in full in Section 5 above and will inform the planning conditions attached to

any planning permission granted. Nonetheless, the planning officer considers that the location of the shared cycleway/footway on the south side of the link road would have more benefit on the north side of the link road given that the majority of housing and the school is located on the north side. Advice was sought from NYCC Highways regarding whether there would be any design impediment to swapping the single footway and shared cycleway/footway over and none was identified. To encourage safe routes to school and thus minimise the number of road crossings that children on bikes would have to make, a planning condition should be attached to any planning permission granted requiring the single footway to be located on the south side of the link road and the dual cycleway/footway to be located on the north side, unless through the detailed design of the road for construction it is determined by NYCC Highways that this cannot be safely achieved.

6.3.12 With regard to assessing the impact of the proposed uses on the existing network, and in turn determining the point at which the link road and bridge would be required, extensive modelling has been undertaken by Optima Highways Consultants in consultation with NYCC Highways and this is summarised in the Transport Assessment that was submitted with the application. It was determined that the point at which material capacity concerns arise on the overall highway network and thus the trigger point at which the proposed link road and bridge is required to become operational, is after the construction of 495 dwellings. Thus in principle there is no reason why the full part of the planning application for 291 houses should be refused.

6.3.13 As noted in Section 5.2.1 though, the road and bridge is intended to be delivered in the first phase and will be required as such through Section 106 Agreement. After construction of the road and bridge it is determined that the proposed link road will provide the following key strategic benefits:

- Sufficient network capacity to accommodate the 900 houses proposed on the wider site;
- Removal of a proportion of traffic movements from the town centre, in particular east-west flow reductions on Quaker Lane;
- Removal of HGV movements routing through the town and along Friarage Street;
- Reduction in the number of vehicles utilising Low Gates level crossing thereby reducing queues and delays at this existing constraint; and
- The associated environmental benefits of reduced noise and vehicle emissions within the town.

6.3.14 The traffic flow reductions are also summarised as follows:

- Reductions in the ratio of flow to capacity, queue and delay values when compared with the current baseline position at the High Street/Quaker Lane, Brompton Road/Quaker Lane and Stokesley/Northallerton Road junctions;
- Reductions in the ratio of flow to capacity, queue and delay values when compared with the current baseline position at the Low Gates level crossing; and
- Much of the remaining highway network either remains within capacity or is relatively unchanged compared to the baseline position.

6.3.15 As reported in the Transport Assessment and supported by NYCC Highways, the development and link road scenario provides an appropriate level of mitigation across the wider highway network and offsets the impact of the additional development trips, as was envisaged when the Site was allocated under Policy NM5 of the LDF.

6.3.16 It is clear from the modelling and NYCC Highways review of the data that even without the link road and bridge in place, the existing road network will sustain some housing being built ahead of the link road and bridge being delivered (this figure is identified as 495 houses). Notwithstanding, HDC and NYCC Highways wish to bring forward the delivery of the road and bridge in order to maximise the economic potential of the town and to improve movement within the town in the immediate term, rather than wait to reach critical mass. It is as a result of this that the link road and bridge are identified on the Council's 'CIL Regulation 123 List', which is discussed below.

- 6.3.17 The cost of developing the link road and bridge is estimated at £12.3 million (2015 prices). However, as a key infrastructure priority on the CIL Regulation 123 List, it must now be funded through Community Infrastructure Levy (CIL) receipts, rather than negotiated developer contributions; furthermore, CIL receipts are largely dependent on housing sales and the rate of housebuilding.
- 6.3.18 For readers of this report who are not familiar with CIL, it is a planning charge introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. Prior to the introduction of CIL, the amount of money a developer contributed towards infrastructure could be negotiated, however, CIL is a set charge and the developer cannot be expected to top it up with additional contributions for the same piece of infrastructure. Hambleton's CIL Charging Schedule equates to £55 per square metre of gross internal floor area of each private market housing dwellings.
- 6.3.19 As CIL is only applicable to private market housing the amount of CIL that can be collected reduces when more affordable housing is provided as part of the development. Thus, while the pursuit of 40% affordable housing is a Council objective, the delivery of key infrastructure projects can potentially be impacted by that objective because less market housing means less CIL, which means that the CIL 'pot' fills more slowly. Furthermore, the CIL pot is intended to fund not only this key piece of highways infrastructure but also the primary school and the recreational facilities, noting that these are also identified as key infrastructure projects on the Council's CIL Regulation 123 List.
- 6.3.20 A simplistic example of the CIL that could be generated from this development is provided below, but note that this is based on average gross internal floor area calculated from the Phase 1 proposal and cannot be relied upon for accuracy.

CIL with 40% Affordable Housing

Total Units:	900
60% Private Market Units:	540 Units
Average m ² /Unit:	91.79
CIL Rate/m ² :	£55.00
Total CIL Contribution:	<u>£2,726,163</u>

CIL with 30% Affordable Housing

Total Units:	900
70% Private Market Units:	630 Units
Average m ² /Unit:	91.79
CIL Rate/m ² :	£55.00
Total CIL contribution:	<u>£3,180,524</u>

CIL with 20% Affordable Housing

Total Units:	900
80% Private Market Units:	720 Units
Average m ² /Unit:	91.79
CIL Rate/m ² :	£55.00
Total CIL contribution:	<u>£3,634,884</u>

CIL with 10% Affordable Housing

Total Units:	900
70% Private Market Units:	810 Units
Average m ² /Unit:	91.79
CIL Rate/m ² :	£55.00
Total CIL contribution:	<u>£4,089,244</u>

- 6.3.21 The figures shown above, are indicative only but are sufficient to aid the understanding of what can be achieved from these developers towards a £12.3 million road and a £5 million primary school, not to mention the costs for the proposed Sports Village.
- 6.3.22 In recognising the benefits of the road to Northallerton as a whole and not just for this development, the Council has secured Growth Deal Funding from the Local

Enterprise Partnership to the value of £6 million towards the cost of building the road and bridge to try to ensure that the road and bridge can be built in the first phase of development. However, this is time limited and must be spent on the building of the road and bridge by March 2017. The applicants have also agreed to provide the land and deliver the road and bridge in lieu of a financial receipt within the first phase (this is known as an infrastructure payment) and this has been agreed by the Council, but they need to be able to commence house building at the same time to generate the required cash flow.

- 6.3.23 While there have been suggestions made that the developers are being given a Growth Deal handout to make their development acceptable, it must be reiterated that 495 houses could be built before a link road is deemed to be necessary. Furthermore, the link road is identified as a town wide infrastructure improvement project, which therefore means that it should be funded from CIL collected from this development and other permitted developments as well. The Growth Deal funding is therefore a means to bring this infrastructure forward not to reduce what the developers have to pay.
- 6.3.24 In fact it is important to highlight that pursuant to Section 73A(3) of the Community Infrastructure Levy (Amendment) Regulations 2014, where CIL is paid by way of an infrastructure payment the amount of CIL paid is an amount equal to the value of the infrastructure provided. As the value of the infrastructure provided by the developers in this case (the balance of £6.3 million) would be greater than the CIL receipts illustrated in section 6.3.20 above, the developer would actually be providing a contribution greater than the Council's CIL Charging Schedule requires.
- 6.3.25 Notwithstanding the provision of the link road, various other highway improvements are required to make the development acceptable, such as improvements to the existing High Street/Quaker Lane mini roundabout junction upon occupation of the 50th dwelling; improvements to the existing Brompton Road/Northallerton Road/Stokesley Road mini roundabout upon occupation of the 50th dwelling; and the conversion of the mini roundabout at the eastern end of Quaker Lane with Brompton Road to a priority T Junction within 6 months of opening the link road to through traffic. These would be required by a planning condition on any planning permission granted.
- 6.3.26 With these measures in place, with the provision of bus stops along the link road to provide bus companies with circular routes around the town and most residents access within an approximate 400 m walk distance, and with the provision of footpaths and a cycleway to provide sustainable transport links to and from the town centre as well as through the site, the proposal is considered to provide excellent accessibility by car, public transport and foot and cycle to a vast range of services, facilities and employment opportunities without causing unreasonable detriment to the surrounding area. The proposal is therefore considered to accord with Local Plan Policies CP2 and DP3 that aim to encourage a variety of transport options and improvements in accessibility and the provisions of Paragraph 32 of the NPPF.
- 6.3.27 In terms of the delivery of the link road and bridge the County Council's preference is for the developers to enter into a Section 278 Agreement, which would dedicate the land as highway land at an early stage. However, Regulation 12(a) and 12(b) of the Community Infrastructure Levy (Amendment) Regulations 2014 now restricts the use of highway agreements under Section 278 of the Highways Act 1980 and does not allow the local planning authority to use its planning powers to require a developer to enter into such an agreement in relation to infrastructure that the charging authority intends to fund through CIL. In addition, the aforementioned Regulations also prevents to local planning authority from attaching a 'Grampian' style condition preventing or restricting the carrying out of development until a 'highway agreement' has been entered into.
- 6.3.28 Notwithstanding that, lawyers for the applicants, the Council and NYCC have agreed that the delivery of the road and bridge can take place under a Section 38 Agreement, which means that rather than the County adopting the land for highways prior to the commencement of the road building, the developers ask County highways to adopt it once it has been constructed. The two processes are not dissimilar in that the works must be constructed to a design and standard agreed by the highway authority, the developer will be responsible for carrying out the works at their own expense, and for

maintenance costs until adoption and similarly a bond will be required between the developer and the Local Highway Authority to ensure that the proposed works can be satisfactorily completed in the event of any default or unforeseen occurrence.

- 6.3.29 As previously noted, the delivery timelines will be specified as part of a Section 106 Legal Agreement with the landowners and the Council, which will be completed post planning committee but prior to any planning decision being issued.

6.4 Affordable Housing Provision

- 6.4.1 Local Plan Policy CP9 states that housing development of 15 or more dwellings (or sites of 0.5 ha or more) in service centres must make provision for affordable housing. It clarifies that the LDF seeks to achieve 40% affordable housing in Northallerton, although it also acknowledges that the actual provision on individual sites will be determined through negotiations, taking into account viability and the economics of provision. This is consistent with Paragraph 50 of the NPPF which states that where local planning authorities have identified that affordable housing is needed, it should set policies for meeting this need on site. However, it then adds that such policies should be sufficiently flexible to take account of changing market conditions over time.
- 6.4.2 Local Plan Policy DP13 provides further advice on the provision of housing and states that housing proposals must provide for a mix of dwellings, in terms of size, type and tenure, which meets the needs of all sections of the local community, promotes sustainable communities and social cohesion; while Policy DP15 provides specifics on the key definitions and principles on which the provision of affordable housing will be achieved.
- 6.4.3 These policies are further supplemented by the Council's Affordable Housing Supplementary Planning Document (adopted April 2015), which states that there is a need for affordable housing across all of Hambleton as evidenced in the November 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) which identified a need for a minimum of 1,600 additional affordable homes across Hambleton from April 2011 to March 2016, or 320 per year.
- 6.4.4 The application was submitted with no identified amount of affordable housing that could be provided on this site and objections were received stating that the limited provision of affordable housing should be resisted, because if demand for housing does exist, it is surely likely to be in the affordable housing bracket. During the course of the application period the applicant has undertaken a viability assessment, which the Council has referred to the District Valuer for consideration. This will be discussed following clarification on the viability process.
- 6.4.5 For the readers of this report who are not familiar with viability appraisals they are a financial test of the ability of a development project to meet its costs including the cost of planning obligations (such as affordable housing, or highway improvements), whilst ensuring an appropriate site value for the landowner and a market return to the developer in delivering that project. There are a variety of items that form part of a viability appraisal and these include, but are not limited to land purchase costs, normal build costs, abnormal build costs (such as land raising to overcome groundwater issues), house sales values, professional fees, developer profit, planning obligations and CIL financial requirements.
- 6.4.6 Where planning obligation liabilities (such as the provision of 40% affordable housing) reduce the site value to the landowner and return to the developer below an appropriate level, the development is regarded as unviable and the land will not be released and/or development will not take place. Paragraph 205 of the NPPF states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
- 6.4.7 In such situations, and given the Government's requirement for local planning authorities to boost significantly the supply of housing and maintain a 5 year land supply for delivery of that required housing, the Council is left with a dilemma as to whether to simply refuse permission, or whether it should recognise that the benefits of the scheme coming forward – even without a particular contribution – outweigh the need to secure that contribution? It is clear from national policy, numerous appeal decisions, and the Courts, that viability is an important question in this context.

- 6.4.8 The applicants submitted various draft viability appraisals during the course of the application, however, the final assessment was submitted on 5th October 2015. Based upon their calculations, the development can deliver between 11.2% and 12.3% affordable housing. The District Valuer (DV) provided his response on 9th October 2015 and concluded that the proposal can deliver between 16.78% and 18.22% affordable housing. For clarity, the reason that both parties have provided two figures is because both have assessed viability firstly with the inclusion of the NYCC Highways request for a commuted sum of £968,000 for bridge maintenance (as noted in Section 5.2.1 above) and secondly without that sum included.
- 6.4.9 Also included in the appraisals are the contributions sought by NYCC Highways for bus pump priming (£500,000) and garden sheds to house bicycles in the 40% of houses that do not have a garage (£273,600).
- 6.4.10 The two key areas of difference between the developers and DV are land values and sales values, although the Council has questioned the figure proposed by the developers for abnormal foundations costs to the west side of the Site, which equates to approximately £2,900,000. The Council has engaged Mouchel engineering consultancy to verify the requirement for and validity of the abnormal foundation costs, but at the time of writing this report their response was not available. It is therefore recommended that the Planning Committee delegate authority to the Executive Director to agree the final contribution in consultation with the Chairman of the Planning Committee.

Viability Differences

	Developers	District Valuer	Difference in Affordable Housing Provision
Land Value	£210,000/acre	£170,000/acre	3.74% / 34 houses
Sales Value	£215/sq ft	£212/sq ft	1.8% / 16 houses
Affordable Housing Contribution	11.2% with £968k commuted sum; 12.3% without £968k commuted sum	16.78% with £968k commuted sum; 18.22% without £968k commuted sum	

- 6.4.11 In determining land values, the Government's Planning Practice Guidance on Viability states that Central to the consideration of viability is the assessment of land or site value. The most appropriate way to assess land or site value will vary from case to case but there are common principles which should be reflected.

In all cases, land or site value should:

- Reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge;
- Provide a competitive return to willing developers and land owners (including equity resulting from those wanting to build their own homes); and
- Be informed by comparable, market-based evidence wherever possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise.

- 6.4.12 The developers were asked to provide evidence of how they had calculated land values and their solicitors Walker Morris provided hard copies of the options agreements in place with the landowners, which demonstrated that £210k/acre is the minimum land value that the landowners are willing to sell for. The developers also advise that this figure has been equalised across the site because, while it is recognised that some parcels of land, such as that for the sports village would have a

significantly lower land value than the residential land for example, each landowner must have the same incentive to sell if the site as masterplanned is to be delivered as a whole. There is merit to this argument.

- 6.4.13 The DV on the other hand, has based his land value figure on benchmark land values from low, medium and high value land in and around Yorkshire, as well as from the wider area of Durham, Leicester and North East Lincolnshire for example. He considers that having assessed the evidence, the figure proposed by the consortium (equivalent to £210,000 per gross acre), is in excess of his expectations for the purposes of a benchmark land value. Whilst he acknowledges that £210k/acre appears to be the price agreed for the land, he reiterates that he does not believe this is appropriate as a benchmark land value, as it appears to be above the market average for this type of land in this type of location.
- 6.4.14 It is difficult to reconcile the two positions because while Planning Practice Guidance states that land value should be based on market based evidence, it also states that landowners will want a competitive return, which in reality is the minimum value that they are willing to sell their land for. While there is merit in the cases put forward by both parties, it is considered that the Council would be taking a very large risk in accepting the DV's land value over that of the developers' and trying to impose that lower land value on the landowners, for a landowner is under no obligation to sell his/her land and it risks the development site not becoming available or only available in parts.
- 6.4.15 With regard to the difference in sales values, the DV originally advised that in his opinion the average price per sq ft was £220, whereas the developers proposed a figure of £210. Both parties were asked to provide evidence to support their positions and the developers engaged DTZ Property Consultants to undertake their appraisal. Both parties submitted a report to the Council providing evidence from comparable development schemes, taking into account the type of property, the location and delivery. While the parties have not managed to find common ground the DV's valuation dropped and the developer's valuation rose. On the basis that the parties did not draw their information from exactly the same sources and some of the different figures sourced may or may not have taken into account incentives, which are often offered by developers to attract new purchasers, it is again difficult to reconcile the two positions. However, the developers have advised in no uncertain terms that they are not prepared to increase their anticipated sales revenues. They consider that to act against the advice of their independent expert would not only question their integrity as an independent source, but that also the developers would have difficulty justifying it to their board members.
- 6.4.16 Notwithstanding the above, the developers have made an offer to the Council of the provision of 15% affordable housing (i.e. 135 dwellings) subject to the Commuted Sum, Bus Contribution and Cycle Storage provisions being withdrawn by NYCC and there being no requirement to make up the shortfall in funding for the primary school (as identified in Paragraph 5.2.2 above).
- 6.4.17 Since NYCC issued its consultation responses, it has agreed to retract their requests for maintenance payments for the bridge embankments and culverts (£968,000) and Travel Plan Measures (£773,600). However, NYCC is insistent that the shortfall in funding for the new primary school (£950,000) must be met in order to provide the school, which is an essential piece of infrastructure. The shortfall in funding is very likely to come from the funding provided towards affordable housing, which would reduce the level below 15%. Given the importance of the school to the development it is recommended that planning committee delegate authority to the Executive Director, in consultation with the Chairman of Planning Committee, to negotiate further with the developers.
- 6.4.18 What remains clear from the costs and revenues appraisals undertaken by the developers and the DV on behalf of the Council is that viability is a significant issue for this site and that based on current market conditions and infrastructure requirements it is highly likely that any figure agreed on now would result in an affordable housing provision well below the 40% target.
- 6.4.19 However, whilst a site of this size represents a significant challenge due to the scale of the costs involved, it also offers the Council the opportunity not available on smaller

schemes to seek a viability review at a later phase(s) such that if viability were to improve as a result of market conditions this can be captured to get closer to the target affordable provision and is not taken as an enlarged profit margin by the developer.

- 6.4.20 Indeed, the Homes and Communities Agency's Good Practice Note on 'Investment and Planning Obligations: Responding to the Downturn' suggests that with phased development affordable housing could be deferred to later phases, or the percentage contribution could be lower in phase one and then subject to viability appraisal in respect of later phases. The HCA make clear that they think a planning obligation which allows phased contributions with further viability testing at later stages, is acceptable. A viability review mechanism would therefore be required through terms of a Section 106 Legal Agreement.
- 6.4.21 Of course though, it must also be appreciated that if market conditions worsen during the course of the development (likely to be a build period of 10 years) then a lower affordable housing provision may have to be agreed.
- 6.4.22 In this regard while it may seem sensible to finalise the contribution now to provide 'certainty' and guard against reductions in provision if the market drops later, unfortunately current Government guidance (Paragraph 205 of the NPPF) does not support this. Indeed, the Growth and Infrastructure Act 2013 introduced specific provisions to allow modification or discharge of affordable housing requirements to ensure that developments are not stalled in such situations and require Councils to be flexible through variations in agreed provision levels to ensure that development can proceed. Furthermore, the Act does not set out provisions for Councils to seek the same re-evaluation if it has a fixed provision and the market improves.
- 6.4.23 It is therefore recommended that the Planning Committee agree to delegate authority to the Executive Director in consultation with the Chairman of Planning Committee to negotiate the contribution following a Section 106 Requirement for viability reviews to be undertaken on a phased basis throughout the course of the development, ascertaining the correct level of provision for each phase as it comes forward based on the prevailing market conditions at that time. However, what might not be achievable by taking this approach is a consistent spread of affordable homes across the whole site, particularly if the later phases prove more viable resulting in more affordables in one area. This is contrary to Local Plan Policy DP13 to provide for a mix of dwellings and promote sustainable communities; however, is arguably worth varying if affordable housing needs continue to be so pressing in the future.
- 6.4.24 In conclusion, and for the avoidance of doubt, the provision of up to 15% affordable housing is put forward by the applicants, but this is premised on the development not having to meet the Education shortfall of £950,000. It is considered that based on the viability information to date that this is a reasonable provision at the present time. Notwithstanding, it is recommended that the Planning Committee delegate authority to the Executive Director, in consultation with the Chairman of Planning Committee, to continue to negotiate the figure, which will form part of a Section 106 Legal Agreement to be completed before any planning decision is issued.
- 6.4.25 Furthermore, if the committee agree to approve a review mechanism through the provision on a Section 106 Agreement then it accepts that an absolute figure for final affordable housing delivery will not be known at the time of the grant of consent. This is considered to be a reasonable and flexible approach that reflects government guidance to ensure that the development is viable and can proceed.
- 6.4.26 In the circumstances, it is considered that there is no proper policy basis upon which to found a refusal on the basis of the affordable housing offer, for while the 40% requirement of Local Plan Policy CP9 cannot be met, the provision of some affordable housing would be a benefit that carries a small amount of weight in favour of permitting the development.

6.5 Drainage and Flooding

- 6.5.1 There have been numerous responses received highlighting the potential for the Development to worsen flooding in the surrounding area and suggesting that foul water capacity is unavailable for a scheme of this size. It is not surprising that flooding issues have been raised by the public and consultees as a cause for concern for the

development of this site, particularly given the watercourses that flow through the site, the evidenced flooding of Brompton, and the location of Flood Zones 2 and 3 adjacent to and partly within the site itself. However, Schedule 3, Part 7 of the Water and Flood Management Act 2010 requires that construction work which has drainage implications may not be commenced unless a drainage system for the work has been approved by the approving authority, and from April 2015 local planning policies and decisions on planning applications relating to major development are required to ensure that sustainable drainage systems (SUDS) are used for the management of surface water.⁴

- 6.5.2 While the LDF was adopted before the aforementioned legislation, its policies are nonetheless in alignment. Specifically, Policy CP21 states that proposals must take particular account of the need to ensure protection from, and not worsen the potential for flooding; Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services and clearly states that new development must not have a seriously harmful impact on existing systems; while Policy DP43 outlines that development will not be permitted if it would have an adverse effect on watercourses or increase the risk of flooding elsewhere and if there is a high risk of the development itself being affected by flooding.
- 6.5.3 The applicant has submitted a Flood Risk Assessment (which was subsequently updated in light of statutory consultee comments), several reports outlining its provision of SUDS (which are now a mandatory requirement), and geo environmental reports which highlight ground water issues on the east of the site which necessitate the need to land raise before it can accommodate new housing. All of this detail has been provided to the relevant statutory consultees (Environment Agency, Internal Drainage Board, NYCC Lead Flood Risk Authority and Yorkshire Water) and those consultees have reviewed each others' responses to try to provide a consistent response. Furthermore, Council's own drainage expert has reviewed all of the relevant flood and drainage documents along with the consultation responses and provided an overarching response that will be referred to in this section as necessary.
- 6.5.4 It is important to highlight that the development area (i.e. the actual land being utilised by buildings and roads) is wholly located in flood zone 1 (that of the lowest flood risk) and only the embankments of the bridge would sit within the area of flood zone 3 (that of highest flood risk) with the approach roads elevated above ground level and the flood plain. The volume of water lost within the embankment footprint in flood zone 3 is required to be compensated for elsewhere at a similar level to the volume lost in order that the flood characteristics adjacent to the bridge are not altered.
- 6.5.5 As identified in the Flood Risk Assessment, the site boundary is such that the available land for compensatory storage is constrained, particularly on the eastern side of the rail crossing. However, through the use of engineered bridge embankments, as opposed to traditional earth embankments, the land required to accommodate the necessary flood compensation storage is available in three discrete areas (see Plan No. 4033-FRA05, prepared by iD Civils Design and found at Appendix L of the Flood Risk Assessment) and may provide an additional 10% volume. In addition, and in order to avoid any flooding of the railway line, it is proposed that large box section culverts are constructed in the embankments to maintain the natural flow route south. This method has been ratified by the Environment Agency.
- 6.5.6 With regard to surface water, as noted above, the developer is required to consider sustainable drainage techniques for the new development and to ensure that SUDS are incorporated into the development. As highlighted in the NYCC SUDS Design Guidance, surface water runoff not collected for use must be discharged to one or more of the following in the order of priority shown:
- a) Discharge into the ground (infiltration).
 - b) Discharge to a surface water body.
 - c) Discharge to a surface water sewer, highway drain or other drain.

⁴ See <https://www.gov.uk/government/speeches/sustainable-drainage-systems>. For an explanation of 'major' development please refer to Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

d) Discharge to combined sewer.

- 6.5.7 Furthermore, the peak runoff rate from the developed site for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events to include for climate change and urban creep must not exceed the peak greenfield runoff rate from the site for the same event. Greenfield runoff rate is maximum 1.4 l/s/ha unless catchment modelling demonstrates greenfield runoff to be greater than this.
- 6.5.8 With regard to the Darlington Road (west) part of the scheme geo-technical surveys have revealed that the site is underlain by a mixture of soft/firm clays with groundwater at cc 2.3m below ground. The natural clays below the site will not provide soakaway rates sufficiently high to enable the use of infiltration drainage and therefore this technique has been avoided.
- 6.5.9 Instead it is proposed that the surface water from Phase 1 West will be discharged to the Sheepcote Stell watercourse which falls within the Swale and Ure Drainage Board's designated area. Flows will be attenuated by means of a detention basin with a flow restriction device at the outfall to the watercourse. The discharge rate will be based on 1.4 litres/second/hectare as agreed by the Environment Agency, NYCC, Swale and Ure Drainage Board and HDC's own flood advisor.
- 6.5.10 As identified in the submitted SUDS and Drainage Strategy prepared by iD Civils Design for the Darlington Road scheme, and specifically on Plan No. 4377-C-D7-01 in Appendix C of the iD Civils SUDS Report, the detention basin is proposed to be located to the east of the Phase 1 Persimmon Scheme and north of the indicative location for the primary school. The capacity of the basin would accommodate up to 1 in 100 year (plus 30% climate change) event and provide capacity for Phase 2. As discussed in the Flood Risk Assessment, Phase 1 West and the later phase(s) to the north will be drained via a single outfall and the network needs to be designed to enable provision for Phase 1 independently but so that minimal work is required to modify the Phase 1 drainage to enable the later phases to be accommodated.
- 6.5.11 Yorkshire Water confirms that it can adopt the maintenance of the SUDS detention basin under a Section 104 agreement as long as they are satisfied with the design. This will therefore be subject to planning conditions and other legislative requirements. The Council's flood and drainage officer has confirmed that the arrangements for managing surface water for the Darlington Road (West) Scheme is satisfactory. Therefore compliance with Policies DP6 and DP43 is achieved.
- 6.5.12 With regard to the Stokesley/Northallerton Road (east) part of the scheme geo-technical surveys have revealed that the site is underlain by a mixture of soft/firm clays, silts and granular material with a water table at cc 1.5m depth. The variable nature of the natural ground below this part of the site and the high water table will preclude the use of infiltration drainage as a means of surface water disposal.
- 6.5.13 Instead it is proposed that the surface water from Phase 1 East will be discharged to the unnamed watercourse located between Stokesley and Northallerton Roads, which falls within the Swale and Ure Drainage Board's designated area. Flows will be attenuated by means of four underground attenuation tanks, each will have a flow restriction device at the outfall to the watercourse. The discharge rate will be based on 1.4 litres/second/hectare as agreed by the Environment Agency, NYCC, Swale and Ure Drainage Board and HDC's own flood advisor, which in practice will be 5 litres per second per tank as this is the technical minimum that can be achieved with flow control devices and still be appropriate for adoption. It is important to note, however (particularly with regard to concerns of off-site flooding from land raising), that the natural greenfield rate identified in the Institute of Hydrology '124 Report', which is the Environment Agency recommended method for a site of this size, has been calculated as 3.6 litres/second/hectare. Therefore, the adoption of the NYCC/IDB rate of 1.4 l/s/ha therefore represents a 60% reduction on the current greenfield rate. Furthermore, due to the granular nature of the existing sub soils on the east, the Flood Risk Assessment identifies that water would not naturally pond on the site, but would percolate to the watercourse via natural groundwater flows.
- 6.5.14 NYCC SUDS officer originally stated a preference for the use of ponds over tanks, as tanks don't provide the same type quality water treatment. However, due to high land take and safety issues of ponds within housing developments and because contamination from housing sites is not likely to be an issue (noting that there is no

commercial development within the eastern site) NYCC accepts the benefits of underground tanks. As a result, a revised response was received confirming that underground storage tanks would be suitable.

- 6.5.15 As identified in the submitted SUDS and Drainage Strategy prepared by iD Civils Design for the Stokesley/Northallerton Roads scheme, and specifically on Plan No. 3525-C-D9-01 in Appendix C of the iD Civils SUDS Report, two tanks would be provided on the north side of the link road and two on the south side within the housing development layout. The land above ground would be landscaped so that the spaces appear as green space. The capacity of the tanks would accommodate the 1 in 100 year plus climate change event and would be adoptable by Yorkshire Water under a Section 104 agreement.
- 6.5.16 The Council's flood and drainage officer has confirmed that the arrangements for managing surface water for the Stokesley/Northallerton Roads (east) Scheme is satisfactory, although as the site will be elevated above the level of Stokesley Road the submission of final design will be required showing that any displaced water can be channelled through safe exceedance routes and discharge to the watercourse. The IDB has similarly suggested a planning condition to this effect, which is included in Section 7 of this report.
- 6.5.17 Extensive consultation has taken place with the relevant flood and drainage authorities (as identified in Section 5) and in summary it has been concluded that the development can be appropriately designed to comply with LDF Policies, National Guidance and Legislation on flood prevention, although some further detail, which will be required by Condition, will need to be endorsed. While there is strong feeling and frustration from the local community (specifically the Brompton Flood Prevention Group), in relation to a lack of remedy provided by the regulatory bodies to date, there is no evidence to demonstrate that the development would exacerbate this existing problem. The proposal would not therefore conflict with Policies CP21 and DP43, both of which are in compliance with the NPPF and which seek to ensure that the development does not have an adverse impact on flooding. This matter does not therefore weigh in favour of a refusal of the application.
- 6.5.18 Specifically in relation to foul water, as identified in Section 5.2.9 and 5.2.28 of this Report, Yorkshire Water has advised that there is capacity for Phase 1 of the development but not sufficient capacity for the later phases. However, they are under a statutory duty to ensure that there will be sufficient capacity and have to work with the developers to plan the timing of foul water upgrade works. Yorkshire Water confirms that the capacity issue is not with the Waste Water Treatment Works but with the sewer network. The proposal can therefore comply with DP6 because it is capable of being accommodated by existing or planned services.

6.6 Nature Conservation Impacts

- 6.6.1 LDF Policy CP16 states that developments will be supported where they preserve and enhance the District's natural (and man made) assets, while Policy DP31 is worded in the negative and states that permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat. While these policies pre-date the NPPF, they accord with its provisions, noting that the NPPF focuses on achieving sustainable development which should 'contribute to protecting and enhancing our natural ... environment' and 'help to improve biodiversity (Para 7), by 'moving from a net loss of biodiversity to achieving net gains for nature' (Para 9). Indeed, conserving and enhancing the natural environment is one of the 12 core planning policies.
- 6.6.2 As part of the planning submission, Chapter 8 of the Environmental Statement identified the extent of the ecological assessment, the procedures followed, the surveys undertaken, the significance of the impact of the proposed development on the biodiversity of the site, and any mitigation required. The Chapter was supported by more detailed ecological survey reports, which identified the likely absence of the following protected species: badgers, great crested newt, reptiles, water vole and schedule 1 birds. The submission noted that there are no designated sites within or bordering the Development and concluded that current and recent use of the site means that the majority of the Site (agricultural grassland and arable) presents limited

ecological value; however, there is potential for the proposed development to impact on bats, nesting birds and over wintering birds. The mitigation proposed included pre-commencement bat roost surveys and vegetation clearance between September to February to avoid nesting season (March to August).

- 6.6.3 As noted in Section 5 of this report, the Yorkshire Wildlife Trust, County Ecologist and Natural England were all consulted and it was recommended that the Council seek independent advice on the content of the ecological submission as well as on the suggestion that bat surveys could be undertaken at a later period in time; the latter apparently being contrary to best practice to fully consider the impact on European Protected Species. The Council therefore engaged Arcus Consulting to review the material and their response is provided below in *italics*.

The aim of the review is to establish whether or not the submitted ecological information provides a robust and accurate assessment of the potential ecological effects of the Development.

With regards to habitats and vegetation the Phase1 Habitat Survey was undertaken in accordance with best practice and the extent and timing of the survey was appropriate. The valuation and assessment of impacts is correct and justified.

With regard to Great Crested Newt, it was noted that the desk study results returned no records of the species and it is unlikely that further surveys would qualitatively alter the conclusions of the assessment. GCN's have therefore been appropriately scoped out of the assessment.

Turning to Otter and Water Vole, surveys were undertaken in accordance with best practice and extent and timing of the surveys were appropriate. The reported valuation and assessment of impacts is correct and justified; limited and generally unlikely.

In relation to badgers, surveys were also undertaken in accordance with best practice and extent and timing of the surveys were appropriate. The results were presented clearly and there are no records of badger activity or evidence. Therefore badgers were appropriately scoped out of the assessment of ecological effects but addressed in terms of legal compliance and so pre-construction surveys have been recommended.

With regard to invertebrates, predominately agricultural habitats are unlikely to support invertebrate assemblages of note and so it is appropriate to exclude invertebrates from detailed assessment. However, this was not justified in the report or ES submitted with the application. Notwithstanding, measures to enhance invertebrates should be included in the recommended Ecological Enhancement Management Plan. Measures could focus on Local BAP priorities and should be delivered through habitat enhancement and features such as nest boxes and log piles.

In relation to birds, the winter bird surveys were undertaken in accordance with best practice guidance and the extent and timing of winter bird survey considered appropriate. However, it has been identified that no walkover route maps have been presented for winter season surveys so it is not clear if the "observation frequency" map is skewed by observer coverage.

Turning to breeding birds, the surveys were not undertaken in accordance with best practice, with the extent and timing of the survey being sub-optimal. Surveys should have commenced in April rather than late May and a minimum of four visits should have been carried out for a site such as this. By commencing surveys in late May valuable evidence of breeding attempts by some key farmland species (e.g. lapwing and skylark) may have been missed. Breeding surveys should have followed the Common Bird Census (CBC) methodology, with observers walking within 50 m of all habitats. As it stands it is unclear whether surveyors walked within fields or just along field edges because no walkover route map is provided, although the text suggests they did not. It is not clear if the "observation frequency" map is therefore skewed by observer coverage. Breeding territories of Birds of Conservation Concern (BoCC) should

be provided to allow assessment. The use of "observer frequency" map is unsuitable.

Furthermore, a Barn owl survey is recommended in the Preliminary Ecological Assessment (PEA), however it is not clear if this was completed, as it is not mentioned within reports other than the PEA. Failure to complete a barn owl survey could lead to legal offences if birds are breeding and disturbed during the breeding season by construction works.

It is therefore considered that the ES does not contain all of the information needed to fully assess the impacts of the development on breeding and wintering birds (e.g. the observation frequency map is not suitable) ... The number and location of pairs of breeding birds is required to be able to assess these effects, but this information is not presented. The main effect of the development is permanent habitat loss. If, post-construction, there is no habitat for the birds, they will be displaced. Although some species will move into gardens (e.g. house and tree sparrow and starling) others will be permanently displaced (e.g. lapwing and skylark). We disagree with the operational assessment changing from moderate adverse to moderate positive over time. The development will displace birds (including Birds of Conservation Concern) and some of these species will not move into gardens/habitat referenced in the proposed Ecological Enhancement Management Plan. The information is not quantified and as a result it is not clear if the impacts will be significant in the local context. Consequently, it is not clear whether or not the proposed mitigation and enhancements will be suitable for the species involved.

Greater clarification on survey effort and walkover route needs to be provided. A breeding bird survey following the CBC methodology (with at least four visits) may need to be repeated during the 2016 breeding season commencing in early-April (depending on the above clarifications sought).

Lastly, turning to bats, two different elements of bat survey and assessment were undertaken to inform the baseline. For clarity, these are addressed in turn. It is essential to highlight though that bats are a European Protected Species and under Regulation 39 of the Habitats Regulations, subject to certain defences or in the absence of a licence (Regulations 40 and 44), it is unlawful to:

- a) Deliberately kill; or
- b) Deliberately capture; or
- c) Deliberately disturb; or
- d) Deliberately take or destroy the eggs of a wild animal of a European protected species; or to
- e) Damage or destroy a breeding site or resting place of a wild animal of a European protected species.

Bat Roosts

A requirement for the assessment of trees and buildings for their suitability to support roosting bats was identified during the PEA. The assessment and categorisation of roosts was undertaken in line with best practice guidance. The recommendation for further survey – activity surveys comprising roost presence/likely absence surveys – of the features with moderate potential to support roosting bats were in line with best practice. However, recommendations for further roost activity surveys on features with low to moderate roost potential (buildings in Sheepcote Close and Hartington House) were not in line with best practice. Several buildings scheduled for demolition were assessed as having a low potential for roosting bats, however further activity surveys were not recommended, contrary to Bat Conservation Trust guidance, which recommends a single emergence survey. This deviation from guidance is not explained. Roost activity surveys at any of the features identified were not undertaken and no justification for their omission is provided.

The scope of work was therefore not in line with prevailing best practice and the baseline may be considered incomplete. Therefore in terms of the impact of the development on bats it is considered that an assessment of the loss of potential

bat roosts has been informed by an incomplete baseline. To accommodate this information gap, the authors advise that they have assumed a worst-case scenario that features of moderate roost potential are occupied by common pipistrelle and soprano pipistrelle bats. An assessment based on the assumed presence of a European Protected Species is neither appropriate nor presents a worst-case scenario. The assessment of effects on roosting bats is therefore not in line with best practice.

It is stated in the ES chapter that roost presence/likely absence surveys will be undertaken prior to demolition of buildings or removal of trees. This will however be undertaken post-consent. A recommendation is made in the applicants' reports that surveys of potential roost features should be included as a planning condition.

Surveys for European Protected Species to inform an ecological baseline should not be a condition of a planning consent. To do so would be in contradiction of planning policy and The Conservation of Habitats and Species Regulations.

The Local Authority should not grant consent under the terms of The Conservation of Habitats and Species Regulations and as described in the ODPM circular 06/2005, paragraphs 98 and 99. In particular, paragraph 99 iterates the importance of the requisite information being gathered before planning consent is granted.

Recent case law including Woolley vs Cheshire East Borough Council 2009 and Morge vs Hampshire County Council 2010 have provided clarification on the responsibility of the LPA in discharging its duties in cases involving European Protected Species, the findings from which are applicable in this case.

Roost presence/likely absence surveys should be undertaken and the assessment amended prior to the application being determined. Alternatively, allowances should be made in the development layout to preserve potential roost feature(s) where their removal would require additional information to be gathered.

Clarification should be sought from the consultants where recommendations for further surveys deviate from best practice. Guidance documents are open to interpretation and the appropriate course of action can, and should, be informed by professional experience and judgement. Deviation from the guidance in this instance is in contradiction to the consultants methods as stated in their report(s). Such deviations should therefore be acknowledged within the report with sufficient justification presented.

Foraging and Commuting Bats

An assessment of the habitats on and adjacent to the development area was undertaken during the PEA and subsequent survey to inform the preparation of the Initial Bat Assessment Report (May 2015). The habitat assessment and all subsequent activity surveys were completed in line with best practice. Low levels of activity primarily from common species were identified.

With regard to potential impact, the valuation and assessment of impacts is correct and justified; there would be a moderate adverse effect. Mitigation to reduce likelihood of displacement (due to lighting) and enhancements as part of the Ecological Enhancement Management Plan will adequately address potential impacts and provide potential positive effects.

- 6.6.4 The Arcus Report was provided to the statutory consultees and the applicant for comment.
- 6.6.5 The NYCC Ecologist advised that overall Arcus have provided a very good review of the ecological work undertaken and that she would agree with their recommendations in general and the planning conditions that they propose. However, with regard to birds, while the NYCC Ecologist agreed with Arcus that the applicants' assessment of a moderate positive outcome for species such as lapwing and skylark seems incorrect, she considered that the information provided by the applicant seems to be sufficient to make an assessment on the importance of the site for birds. She advises that these are farmland species that are not likely to be/able to be accommodated

within the new development. In that regard the applicant could look to provide compensation off site. In any event site clearance and construction must avoid the breeding/nesting season.

- 6.6.6 With regard to bats, the NYCC Ecologist agreed with the Arcus Report and advised that conditioning bat surveys is not recommended and would go against current policy because it would not be possible to make a full assessment of the impact upon bats in accordance with the Conservation of Habitats and Species Regulations 2011 (as amended) – ‘the three tests’.
- 6.6.7 Yorkshire Wildlife Trust advised that the report by Arcus is thorough and the conclusions reached are correct. They agree with the advice that bat emergence surveys must be carried out prior to determination of the application and at the same that a barn owl survey should be carried out showing the locations of the sites with potential to support nests.
- 6.6.8 With regard to birds, the Trust also agree with Arcus that the breeding bird survey is currently insufficient to enable a full assessment of the potential impacts on the habitat and bird populations on site, as well as the potential effectiveness of the mitigation and compensation measures, noting that the full Common Bird Census (CBC) methodology requires 10 visits between March and July, ideally with at least 10 days between each visit, and mapping of individual bird territory, although a scaled down version of a CBC survey (five visits) would be sufficient here.
- 6.6.9 Natural England provided a response, which again referred the Council to their standing advice for protected species; however, in relation to bats they advised caution in conditioning protected species surveys and, like Arcus, also referred to Para 99 of Government Circular 06/2005.⁵ Natural England highlight that the Circular makes clear that the presence and extent of protected species should be established before permission is granted, and that ecological surveys should only be left to coverage under planning conditions in exceptional circumstances. However, Natural England also identify that Para 99 also suggests that developers should only be required to undertake surveys where they are necessary.
- 6.6.10 The applicant has provided a response to the Arcus findings on Birds and Bats, and these will be detailed separately below, with officer comment thereafter.

Birds

- 6.6.11 The applicant states that they did not provide a walkover route map, as neither Natural England, the Planning Inspectorate nor other Local Planning Authorities have requested them on previously consented projects using this methodology. They suggest that *“field data in farmland is “naturally” skewed with relatively low densities of birds in open fields and relatively high densities of birds in field boundaries and other habitats with greater structural complexity. For this reason and in accordance with Natural England/Defra guidance on determining survey effort, every major internal hedgerow, drain and field boundary within the site boundary was surveyed as well as a good representative sample of the on-site farmland habitats.”*
- 6.6.12 Furthermore they suggest that *“while Common Bird Census (CBC) is a methodology that can be used there are no formal recommendations for survey methodology in relation to breeding birds (see Natural England/Defra ‘Planning and development – guidance’ on ‘Wild birds: surveys and mitigation for development projects’). Three survey visits are therefore considered acceptable.”*
- 6.6.13 In relation to barn owls, the applicants’ ecologist confirmed that *“signs of barn owl presence were searched for during the winter bird survey (although not specifically stated in the ES). No evidence of occupation was found in the only two potentially suitable buildings within the survey area and no suitable trees or nest boxes were found.”*
- 6.6.14 It is noticeable that there is some disagreement between various qualified ecologists on the extent, methodology and reporting of surveys on breeding and nesting birds with the applicants’ relying on past practices, which may have been acceptable to

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf

other planning decision makers, and Arcus and Yorkshire Wildlife Trust on the other hand relying on guidance in the CBC methodology. Indeed, it is a difficult task to balance two conflicting positions, particularly when the applicants' have provided evidence of large scale developments (such as a Nationally Significant Infrastructure Project) where their process of transect routes and observation frequency mapping has been accepted and endorsed, and when the alternative CBC territory mapping is internationally acknowledged as the most efficient and practical way of estimating breeding bird numbers on farmland in small areas.

- 6.6.15 However, in researching the two methods, the planning officer notes that the British Trust for Ornithology, the Joint Nature Conservation Committee and the Royal Society for the Protection of Birds launched a new Breeding Bird Survey methodology in 1994 to use line (aka route) transects rather than the more intensive territory mapping method used by the CBC. The British Trust for Ornithology advises that this allows the surveyor to cover the ground quickly and efficiently recording many birds (noting that the time required for territory mapping can be up to seven times that of transects), limits double counting of birds as the surveyor is continually on the move, suits extensive, open and uniform habitats, and is suited to situations where access is good. On the basis that there are no designated sites within or bordering the development and that transect surveys are a recognised survey methodology, the planning officer considers it reasonable to accept the results in the applicants' breeding bird and over wintering survey reports and considers it would be unreasonable to delay decision making by requiring the applicant to undertake the more onerous CBC territory mapping.
- 6.6.16 Having said that, it must be mentioned that the provision of a transect route map should have been provided, as this might have overcome the concerns of the statutory consultees and Arcus that the results were skewed by surveyor coverage of the site. The Council should therefore consider the provision of a route/walkover map as a requirement for any other application on other sites that requires a breeding bird survey to be submitted.
- 6.6.17 While it is noted that the development will displace birds (including Birds of Conservation Concern) and that some of these species will not move into gardens/habitat, there remains considerable undeveloped agricultural land around the development site that would be attractive to displaced birds. On that basis, it is considered that displacement is not a ground for recommending refusal of the development.

Bats

- 6.6.18 Following the Arcus review the applicant was requested to carry out bat emergence surveys to the buildings in Sheepcote Close and Hartington House, as well as Tree 16 of the arborists report, on the basis of the advice in Para 99 of Government Circular 06/2005 that the presence and extent of the protected species should be established before the development is permitted, and because without that baseline information it was considered difficult to determine if the requirement in Planning Policy DP31 to avoid causing significant harm to protected species could be met.
- 6.6.19 The applicants agreed to undertake the emergence surveys at Hartington House and one dusk emergence and pre-dawn re-entry survey was undertaken on each building in September 2015. It was concluded that no bats were observed emerging from or returning to any of the buildings surveyed. It was therefore recommended that the buildings should be demolished or development works started as soon as practicable, to reduce the risk of bats exploiting what little potential exists and potentially roosting in the intervening period, but that if demolition does not occur by September 2016 that the surveys be repeated.
- 6.6.20 Arcus reviewed the submitted report and confirmed that the methods are in line with best practice and the conclusions of the report are appropriate and commensurate with the results. It is therefore suitable to support the planning application.
- 6.6.21 With regard to Tree 16, the applicants expressed that they were reluctant to undertake emergence surveys because the tree was being retained. However, the tree was identified for felling in the arborists report and so clarification was sought. The applicants provided an updated arborists report on 6 October 2015 clearly identifying the tree would be retained. The applicants' ecologist also advised that

“although Tree T16 has been identified as having definite bat roost potential and classified as a Category 1 tree (Hundt, 2012) it will be retained as part of the development, as it is located in the village green. As the tree will be retained no further surveys for bats are required for this tree. Even if a small roost is present (bat activity surveys undertaken in this area showed that a major bat roost is not present) the current masterplan suggests that it will not be directly impacted and any indirect impacts are likely to be minimal.”

6.6.22 In relation to the buildings at Sheepcote Close, the applicants were reluctant to provide emergence surveys and offered the following explanation: *“The initial bat assessment undertaken at Sheepcote Close in March 2014 assessed the property as a whole as having low potential to support roosting bats. While some of the buildings provide some low to moderate potential, no evidence of roosting bats was identified during the comprehensive internal and external survey. The farmhouse and associated buildings are occupied and maintained by the current owners and as such are unlikely to deteriorate in the foreseeable future. Given that the buildings at Sheepcote Close will not be affected by the development for 5-8 years, during which time the buildings will remain occupied, used and maintained, it seems appropriate to condition a reassessment of the buildings for bats and, if required, emergence and re-entry nocturnal surveys prior to commencement of the phase of development which affects these buildings.”*

6.6.23 While Para 99 of Circular 06/2005 states that ecological surveys should only be left to coverage under planning conditions in exceptional circumstances, it must be noted that those buildings are not located in the Phase 1 development area, and also that they are well removed from the Phase 1 development area, such that, even if there were bat roosts within those buildings it is reasonable to conclude that they would most likely be unaffected by the Phase 1 construction. Furthermore, it must also be noted that Para 99 of the said Circular also states (in *italics*) that:

[B]earing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.

6.6.24 With this in mind, and noting the comprehensive photography of the internal spaces of those buildings, it is considered reasonable in this instance to condition a reassessment of the Sheepcote Close buildings for bats and, if required, emergence and re-entry nocturnal surveys, prior to commencement of the phase of development which affects those buildings. It is also noted that the Council has adopted this approach on similar large outline planning applications.

6.6.25 Overall, it is considered that no significant harm from the proposed development to nature conservation interests, together with species that are protected or under threat, has been identified and where doubt has been raised by the consultees suitable planning conditions can be attached to any permission granted to ensure that any impact can be mitigated, or, as a last resort, compensated for. In that regard it is considered that the provisions of the NPPF and the provisions of Local Policies CP16 and DP31 to preserve and protect biodiversity are met.

6.7 Noise

6.7.1 On the basis that the allocation site lies adjacent to the commercial and industrial premises on Thurston Road, it is not surprising that concerns have been raised by members of the public and Allerton Steel with regard to the noise impacts from the existing businesses on the new land uses, specifically the new dwellings and the school, and the potential for future noise complaints from residents that could lead to restrictions on the otherwise unencumbered operating hours/methods of those businesses. Furthermore, given the construction of a strategic link road around the town and the proximity of many of the new dwellings and the school to that link road, there is potential for the noise from the road to also become a noise nuisance for occupiers of adjacent sensitive buildings.

6.7.2 Policy CP1 – Sustainable Development, of the Local Plan seeks protection of health, economic and social well-being, amenity and safety of the population, while Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance. Furthermore,

Policy DP44 states that noise sensitive development will not be permitted in areas where potential for harmful noise levels is known to exist.

- 6.7.3 The Government recognises that one aspect of meeting the objective of achieving sustainable development is the need to manage noise. The Noise Policy Statement for England (NPSE) produced in 2010 and now abridged in the NPPF has three aims:
- Avoid significant adverse impacts on health and quality of life;
 - Mitigate and minimise adverse impacts on health and quality of life; and
 - Where possible, contribute to the improvement of health and quality of life.
- 6.7.4 The NPSE highlights that the broad aim of noise management is to minimise noise 'as far as reasonably practical'. It clarifies that this concept can be found in the Environmental Protection Act 1990, where in some circumstances, there is a defence of 'best practicable means' in summary statutory nuisance proceedings. What is therefore clear from the NPSE is that all reasonable steps should be taken to mitigate and minimise adverse effects of noise but it does not mean that such adverse effects cannot occur.
- 6.7.5 Para 123 of the NPPF states that planning decisions should aim to (amongst other things) recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. However, this does not mean that because new developments would make or experience some noise or because existing businesses might have to adapt to its new neighbours that the proposal should be regarded negatively.
- 6.7.6 Indeed, Paragraph 002 of PPG on Noise states that while noise can override other planning concerns, neither the NPSE or the NPPF expects noise to be considered in isolation, separately from the economic, social and environmental dimensions of proposed development.
- 6.7.7 Notwithstanding that, Paragraph 006 of PPG on Noise advises that the potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent may be regarded as unacceptable by the new residents and subject to enforcement action. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development's building envelope. Whilst planning consents should not be subject to conditions that are covered by other legislation, such as the Building Regulations, local planning authorities may include conditions relating to noise and acoustics when granting consent.
- 6.7.8 As noise is a complex technical issue the information prepared by the applicants' acoustic consultants (PDA) and criticised by Allerton Steel's acoustic consultants (Dragonfly) has been reviewed by Council's Environmental Health Team, who are experienced specialists in this area. There has been some dispute between the two consultants regarding the correct standard of noise assessment for the proposed development with PDA having only assessed BS8233: 2014 – 'Guidance on Sound Insulation and Noise Reduction for Buildings' and Dragonfly insisting that BS4142: 2014 – 'Methods for Rating and Assessing Industrial and Commercial Sound' should also be considered to determine the level of noise generated by Allerton Steel above background noise levels. However, PDA consider that, as Allerton Steel already exists and their noise is already part of the context for the site, its noise already forms part of the background noise levels.
- 6.7.9 Clause 8.5 of BS4142: 2014 provides legitimacy to PDA's argument, for it states that *"where a new noise sensitive receptor is introduced and there is extant industrial and/or commercial sound, it ought to be recognised that the industrial and/or commercial sound forms a component of the existing environment. In such circumstances other guidance in addition to or alternative to this standard can also inform the appropriateness of both introducing a new noise sensitive receptor and the extent of required noise mitigation."* This approach was confirmed as acceptable by Environmental Health prior to the submission of the application.

6.7.10 BS8233: 2014 provides the following recommended indoor ambient noise levels for living and dining rooms for daytime use and bedrooms for night time as follows:

Location	07:00 to 23:00	23:00 to 07:00
Living Room	35 L _{Aeq, 16 hour}	-
Dining Room/Area	40 L _{Aeq, 16 hour}	-
Bedroom	35 L _{Aeq, 16 hour}	30 L _{Aeq, 8 hour}

6.7.11 For external areas used for amenity such as gardens and patios, it is desirable that noise levels do not exceed 50 dB L_{Aeq, T}, with an upper guideline value of 55 dB L_{Aeq, T}.

6.7.12 The EHO has advised that the noise levels reported by PDA (which includes noise from Allerton Steel and the proposed Road) at the dwellings adjacent to the link road are between 56 dB(A) to 64 dB(A), while Dragonfly's report identifies the overall noise impact of between 60 dB(A) and 64 dB(A). The EHO has also advised that noise exposure predictions submitted by both consultants for the Phase 1 residential scheme identifies traffic noise as the dominant noise source during day and night time measurements, regardless of any noise from Allerton Steel.

6.7.13 Thus, while the noise predictions far exceed those recommended by BS8233: 2014, they confirm that Allerton Steel would not be the underlying cause, which in some regards demonstrates that the two developments can safely co-exist. Notwithstanding that, there is a requirement for the developer to reduce the internal noise levels of those properties affected. The Noise Contour Maps included within the PDA report are a suitable indicator of where the impact would be felt.

6.7.14 PDA, Dragonfly and the EHO all conclude that dwellings on the north side of the link road could be suitably designed and/or orientated to comply with BS8233: 2014. Measures can include all, or some of the following:

- a) Revised position / orientation of the buildings in relation to the noise source(s);
- b) Provision of acoustic barriers;
- c) Increasing the sound insulation of the building; and /or
- d) Planning of the interior layout of the building.

6.7.15 The EHO considers that the internal noise levels could be achieved with the use of c) and d) alone but the noise levels in the gardens, as identified in PDA's own report, will be above those recommended and, without acoustic barriers, may be unachievable. However, it is noted that the rear gardens to houses will benefit from shielding from the dwellings themselves and fencing, which will bring the noise down to 55 dB L_{Aeq 16 hours} and below in the majority of cases. It is a commonly accepted benchmark that a physical barrier such as a solid brick wall or specialist acoustic fence that is high enough to block 'the line of sight' between the noise source and the receiver can decrease noise by at least 10 dB. To put this into perspective, motorway traffic produces 70 dB and conversational speech rates at 60 dB, thus 10dB is a really significant reduction.

6.7.16 With regard to improving the sound insulation of the dwellings, this is best done with closed, double glazed or secondary glazed windows; but this might also require the installation of mechanical ventilation. While Planning Policy Guidance Note 24 – 'Noise' has been superseded by the NPPF, its table from Annex 6 clarifies the acoustic properties of different types of glazing, and hence it is reproduced below for demonstration:

Table 1: Typical Noise Reduction of a Dwelling Façade with Windows Set in a Brick/Block Wall

Noise Source	Single Glazing	Thermal Glazing	Double	Secondary Glazing
Road Traffic	28	33		34
Civil Aircraft	27	32		35

Military Aircraft	29	35	39
Diesel Train	28	32	35
Electric Train	30	36	41
Note: The values in the Table are the difference between dB(A) levels measured outside and inside typical dwellings; they have not been corrected for reverberation time or window area, and so cannot be compared with values obtained under other conditions. The Table is intended to give an idea of the insulation likely to be achieved in practice - not under ideal conditions. Secondary glazing systems in particular will perform better in installations where sound insulation is not limited by poor sealing or by flanking sound paths such as through doors or acoustically weak parts of window bays. The values for single glazing are representative of well sealed windows.			

- 6.7.17 Because the sound insulation of a window (and other components of the building envelope) varies with the frequency (or pitch) of the sound, the overall noise reduction provided by a window will depend, among other factors, on the spectrum of external noise. The table above therefore shows typical reductions in noise levels from common sources which would be expected from various types of window installations fitted in brick/block walls in a dwelling. The insulation provided by any type of window when partially open will be in the region of 10 – 15 db(A).
- 6.7.18 Clearly, the detailing of which glazing specification would be required for each window is an item that belongs in the design-stage considerations and will depend on the location of the dwelling *vis a vis* the road. However, the achievement of suitable internal noise levels should be the subject of a Condition on any Planning Permission granted.
- 6.7.19 With regard to the later development phases and the indication on the pre-application Masterplan that was displayed at the public consultation event of dwellings to the south side of the link road and to the east of Allerton Steel, the EHO considers that those dwellings would be significantly affected by noise from Allerton Steel and so it is considered that it would be inappropriate to grant permission for dwellings in this location. While the indicative Masterplan submitted with the application does not show dwellings in this location, it was raised as a matter of concern by Allerton Steel in their objection to the application, and so for the avoidance of dwellings being proposed at a reserved matters stage, a planning condition should be included on any permission granted specifically prohibiting residential development in the area adjacent to Allerton Steel labelled 'to be determined' on the plan identified as Illustrative Masterplan Scaled, Nod. 0000-0019 Rev A, dated May 2015, and produced by Spawforths.
- 6.7.20 With regard to the suggestion of a care home to the west of Allerton Steel, the EHO considers that it would also be exposed to similar noise levels as dwellings to the east. However, it is considered that there is probably greater scope in the construction of a care home to ensure that internal noise levels and outside amenity areas, protected by the building itself, can be achieved. However, as this would require the submission of a reserved matters application, it is considered that that application would need to be submitted with a revised acoustic assessment and mitigation plan to demonstrate that appropriate ambient noise levels can be achieved. This should form a planning condition on any permission granted.
- 6.7.21 With regard to the outline proposal for a primary school on the north side of the link road, it must be identified that the criteria for acoustic conditions within schools is set out within Building Bulletin 93 (BB93), which requires that ambient noise levels within primary and secondary school classrooms should be no higher than $L_{eq,30min}$ 35dBA, with a further upper limit of 30dBA if hearing-impaired children are being taught. Clearly, this requirement is similar to the requirement for residential properties.
- 6.7.22 The prediction given in the PDA report gave a worst case internal noise level of 13 dB above the lowest required classroom noise level, which means that the required internal noise levels of the classrooms fronting the Link Road are not likely to be achieved with open windows. It is therefore likely that reliance on openable windows to provide ventilation of classrooms and other teaching spaces would not be possible. Therefore, there will be a need for a form of sound attenuated ventilation, which is not uncommon for new schools that are built adjacent to busy roads.

- 6.7.23 With regard to the playground area, BB93 recommends that noise levels in external playgrounds should be below $L_{eq,30min}$ 55dBA wherever possible, though it also recognises that this may not be possible on all sites. Indeed, it states at Section 2.2 that such areas may be used in some cases as buffer zones between high-noise transportation sources and school buildings. However, if the outdoor spaces are intended to be used for outdoor teaching (excepting sports pitches) the BB93 document states that where external noise levels exceed $L_{eq, 30min}$ 50dBA at these spaces, it may be necessary to introduce localised sound attenuating barriers for those portions of the playgrounds.
- 6.7.24 The EHO considers that achievement of the required noise levels is possible but may incur additional build and maintenance costs over that of a school built further into the site and away from the road. However, it is important to highlight that costs for the build can only be determined at the detailed design stage, and as the actual footprint and design of the school is yet to be determined, it is not possible to estimate.
- 6.7.25 The outline part of the application also includes potential for the expansion of Allerton Steel to the north of their existing boundary and the development of B1 (Business) and B2 (general industrial) uses. These uses could have the potential to generate noise that would impact upon the residential dwellings and school to the north of the proposed link road and any sensitive land uses to the south of the link road, although there is also potential for any buildings built between Allerton Steel and the development on the north side of the link road to help remove the 'line of sight' of Allerton Steel's noise source.
- 6.7.26 There has been objections submitted suggesting that the sensitive land uses applied for as part of this application would have the effect of preventing the expansion of Allerton Steel, would therefore result in that business being detrimentally affected, with the potential knock on effect of the loss of the industry and its employment to the town. It is essential to highlight though that at present Allerton Steel does not own or lease the land to its northern boundary and does not have planning permission for expansion, such that any expansions plans are speculative at this time. Furthermore, as the land has been allocated in the Local Plan since 2010, which is after Allerton's relocation to the site from Romanby, the subject proposal cannot be said to have come 'out of the blue'. Lastly, it must be noted that the Council has a statutory obligation to consider the application that is before it and not one that has not yet been made. It would not, therefore, be prudent to recommend refusal of an application based upon a hypothetical situation.
- 6.7.27 If or when Allerton Steel come to make a planning application to expand their premises, or at the time reserved matters applications are lodged for business or general industrial use on land to Allerton's north, they will need to be accompanied by their own noise impact assessments and mitigation plans to minimising their impact on other nearby land uses. This would be the case for any development of its kind whether it is an existing business or new.
- 6.7.28 In conclusion, based upon the advice of the EHO, it is considered that with the adoption of appropriate noise conditions, there is no reason, on the grounds of noise, that this application should not be granted planning permission. It is considered that the requirements of Local Policies CP1 and DP44 and the noise provisions contained within the NPSE, NPPF and PPG to avoid significant adverse impacts on health and quality of life and to mitigate and minimise adverse impacts on health and quality of life, can be achieved.

6.8 Design and Landscaping

Outline Application

- 6.8.1 In relation to the 'outline' part of the planning application, all matters except access to the site (i.e. appearance, landscaping, layout and scale) are reserved such that the position of particular buildings, internal roadways or proposed planting for example are all matters for later consideration and will be assessed against specific design policies and criteria within the Local Plan at the relevant time. In this regard, the outline part of the application simply has to satisfy one basic test – can the quantum of development proposed, accessed from the location detailed, be adequately accommodated within the constraints of the site?

- 6.8.2 Paragraph 58 of the NPPF states, amongst other things, that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including the incorporation of green and other public space as part of developments) and support local facilities and transport networks.
- 6.8.3 Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.8.4 The indicative layout plan, parameters plans and associated reports provided with the application illustrate one potential layout for the site. While the proximity of some of the houses and the school in relation to the road and Allerton Steel on Thurston Road has been questioned, the illustrative layout plan is not fixed and design will evolve through more detailed planning, as well as in regard to planning conditions imposed on any permission granted.
- 6.8.5 Notwithstanding, in their most basic form those illustrative plans demonstrate that 900 houses, a primary school, a neighbourhood centre, a sports village and employment uses can be accommodated in line with the original Masterplan vision for the site and would add to the overall quality of the area.
- 6.8.6 It must also be noted that a Landscape and Visual Impact Assessment (LVIA) prepared by Landcare was submitted with the application. Landcare have previously assisted the Council with preparation of Local Plans, including the original Masterplan for this site; in that regard they are well qualified to appraise the landscape impacts that could result from the proposed development. In summary, the LVIA identifies that the bulk of the proposed development area abuts open land of arable and grazing land but on the southern boundary between Darlington Road and Stokesley Road there is the large industrial estate of Thurston Road. The buildings of the industrial estate are visually dominant due to their scale and mass and the light coloured cladding panels, which means that they are very visible from viewpoints in the north west, north and north east including from Darlington Road, rail users, Northallerton Road and Stokesley Road. In this regard, the LVIA concludes that the main feature of the townscape interface is clearly the visual dominance of the industrial estate particularly as bounding hedgerows are of too small a scale, and hedgerow trees too widely spaced, to have any meaningful mitigating effect on the large white or pale toned buildings.
- 6.8.7 That said, the LVIA recognises that the proposed developments, while they would provide a screen to the industrial estate when viewed from the north, would be permanent and thus there will be no reversibility of landscape effects. The magnitude of change is therefore considered to be significant in terms of both the overall area that would be altered and the extent to which the northern built form boundary advances towards the north bringing development much closer both geographically and visually to residents of Brompton.
- 6.8.8 However, this was an anticipated outcome of the site Allocation and is not therefore a suitable justification for considering refusing the outline application, particularly as the 'Brompton Gap' which separates the North Northallerton development from Brompton to the north is protected by the retention and designation of open space areas each side of the railway line, south of Halfway House and west of Northallerton Road.
- 6.8.9 Overall, the conclusion is made that the proposed development will create a change in the land-use and landscape character of the development site. The nature of this change will however be similar in scale and complimentary in character to that existing elsewhere within the local area and the mitigation measures incorporated into the design will help to assimilate the development into the wider landscape and townscape context. Furthermore, and as identified in the LVIA, whilst there is a large scale loss of landscape permanently to the development, many of the most susceptible and sensitive landscape effect receptors can be protected. These include some of the hedges and associated trees, the watercourses and all the existing

landscapes that lie within the designated open space areas. Further landscape mitigation is recommended in the LVIA which should form a planning condition on any planning permission granted.

- 6.8.10 With that mitigation implemented, it is considered that the outline development proposal can be integrated into its surroundings.

Full Application

- 6.8.11 With regard to the 'full' application the Planning Policies CP16 – Protecting and Enhancing Natural and Man Made Assets, CP17 – Promoting High Quality Design, DP30 – Protecting the Character and Appearance of the Countryside, DP32 – General Design and DP33 – Landscaping are relevant. In summary all of these policies require in some way that proposals enhance and respect their surroundings, promote a public realm which is rich in identity, attractive and safe, and create opportunities for connected layouts.
- 6.8.12 In addition to Local Planning Policies Section 7 of the NPPF states at Paragraph 56 that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 of the NPPF also states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area developments schemes.
- 6.8.13 The design of the Phase 1 proposals has been influenced by the original adopted Masterplan for the site, but also the subsequent requirements of NYCC Highways, on the basis that the design of the link road and bridge has evolved from a vision of a 'village street' in the original Masterplan, to a strategic link road designed to accommodate HGV's to provide a viable alternative to their passage through the town. The latter has had the effect of altering the proximity of buildings adjacent to the link road and their level of interaction with the public realm. In addition, through the course of the application further design revisions have been required on the eastern site (Taylor Wimpey proposals) due to the specific drainage requirements for that scheme, and this has resulted in revisions to the internal roads, plot sizes/arrangement.
- 6.8.14 In relation to the internal roads, as noted in Section 5.2.1, NYCC Highways has provided comment on the east and west proposals and have advised that "*the layout(s) will provide streets where vehicle speeds are naturally restrained to 20mph and walking routes are available on pedestrian desire lines feeding to the formal crossing points of the link road; this will also 'deliver safe routes to school' to the new school site.*" In this regard the proposal is considered to meet the aspirations of the original Masterplan movement framework and the movement requirements in Local Plan Policy DP32.
- 6.8.15 With regard to the built form, the Council has had the opportunity to influence the design through a large number of pre-application meetings and subsequent dialogue since the application has been submitted. However, it must be appreciated that with the contributions being sought from the developers in terms of dedication of the land for the school and sports village and dedication of land for (and delivery of) the link road and bridge, which has had considerable implications on the development's viability, the opportunity to demand a bespoke product from the developers is limited due to the increases in development costs and reduced returns that would be incurred.
- 6.8.16 Having said that, the proposals provide a mix of housing sizes and types, varied densities and notably different layouts on the east and west, which will not only appeal to a range of buyers but will also achieve the character change sought by the original Masterplan.
- 6.8.17 With regard to the eastern development and the Taylor Wimpey proposal it is noted that there are 14 two and a half storey units on their layout, 4 of which are located on the roundabout entrance in order to add the required massing to the roundabout gateway area, while on the western gateway two dual aspect Langdale house types have been plotted either side of the link road in order to front the link road yet not turn their back on the view when crossing from the sports village at Halfway Park. At 1,530

sq ft they are amongst Taylor Wimpey's biggest products and can create the necessary dominant and symmetrical entrance way whilst maintaining a more rural, low density feel.

- 6.8.18 The applicants were asked to provide justification for not included any taller development on the site for greater diversity, and they advised that not only is there a lack of demand for townhouse properties in the current market, this part of the site has been cast by the original Masterplan as the more rural, low density area and so it is not appropriate to increase massing further than 2.5 storey. The rationale for the Taylor Wimpey design is considered acceptable.
- 6.8.19 With regard to the western development and the Persimmon Homes proposal it is important to appreciate the context from which the site would be accessed. When approached from the north the traveller will pass a garden centre, a field, a pair of semi-detached houses, dense hedgerow planting and then the new roundabout at the western end of the link road. Facing the traveller is the roundabout with link road sweeping east and slightly south, together with a significant greensward overlooked by the proposed neighbourhood centre buildings. The gateway roundabout with residential uses and appearances would strike a noticeable change in character from what has preceded it.
- 6.8.20 When approached from the south the traveller passes a variety of commercial and retail buildings including a hotel. These are single and two storey buildings and set back a good distance from the road behind car parking; they have no sense of enclosure. There will be new commercial buildings opposite the existing ones before approaching the flank of the proposed neighbourhood centre buildings leading up to the link road roundabout. Across the roundabout, facing the traveller, are the proposed new houses set behind a boulevard of frontage trees. The new housing is a terrace of three houses facing west, an imposing double fronted detached house looking towards the roundabout, and three other detached houses with different elevations and sizes, reflecting the curve of the link road, as encouraged by the planning officer at the pre-application stage.
- 6.8.21 After the seventh house is a road serving houses to the rear. The houses thereafter thus stand as three single blocks of development reflecting the curve of the highway but are an uneven distance from it to provide interest. The central of the three blocks is largely designed with larger detached houses, while the other two blocks comprise a variety of detached and terraced blocks to provide diversity of form and scale. The maximum height of the houses is 2.5 storeys, which is commensurate with the scale of dwellings in Northallerton.
- 6.8.22 The proposed house types have been influenced by the form and mass of other residential properties in Northallerton. The use of half dormers and bay windows to feature house types helps to break up the massing of the buildings and maintain visual interest. The predominant roof forms are gables although some are hipped, which reflects the general mix in the surrounding area. It is therefore considered that the proposed development will sit comfortably alongside the mix of existing development within the area.
- 6.8.23 Overall, it is considered that the proposed first phase is of appropriate scale, form and layout and will create a definable sense of place and accord with the principles of Building for Life 12. That said, the Police Architectural Liaison Officer did raise concern with the height of the rear garden boundary fences on the Persimmon Homes Phase 1 Scheme, as these are shown on the layout plan at 1200 mm high. In the interest of security, it is recommended that those fences be raised to between 1500 mm – 1800 mm. A planning condition seeking this change should be included on any planning permission granted.
- 6.8.24 With regard to landscaping, several landscape plan iterations have been provided to the Council for consideration, with Pegasus preparing the plans for the Persimmon Scheme and Rosetta preparing the plans for the Taylor Wimpey Scheme. The Council asked Landcare to review the plans in light of the fact that they prepared the LVIA and to determine if the species proposed was appropriate for this location and style of development and also to determine if they accord with the landscape mitigation suggested in the LVIA.
- 6.8.25 Landcare provided the following advice on 6th October 2015:

Taylor Wimpey

I have suggested more planting on the Stokesley Road. A change of tree species along the road margins to native species. The hedges to the road frontages to be a native mix to match those in the surrounding landscape. Additional hedging along the link road frontages in line with the approach on the link road generally. Areas of species rich grassland along the link road frontages, on Stokesley Road and especially bordering the suds drainage ditch running through the site.

Persimmon Phase 1

I have suggested there is more opportunity for tree planting within the site than is currently shown even given NHBC guidelines. I have asked for some larger species along the link road although it has been suggested there may be concerns on the part of the North Yorkshire Highways. I pointed out that the northern boundary of the site is designated as a hedge lined greenway but it seems that this is more likely to be incorporated on the north side of the designated route in a future phase.

Link Road landscape

I have suggested several species amendments to use predominantly native species along the highway verges. Also some species changes to the hedge mix in the same vein.

I have suggested substantial woodland planting on each side of the railway crossing to ensure it is integrated into the landscape and I have suggested substantial areas of species rich grassland behind the hedge lines with only mown grass along the immediate highway edges.

6.8.26 The applicants have taken on board the advice and provided new plans on 21st October 2015 with the following changes:

- Species Rich Grassland – Meadow Grass Mixture for Wetlands has been focused around the watercourse in order to provide the contrast recommended.
- Native Mix – tree mix along the spine road has been changed to alternating *Tilia cordata* and *Carpinus betulus* as recommended.
- Additional Planting
 - At the north eastern edge of the site a mixture of new hedgerow, tree planting in rear gardens and trees to provide the mix required has been employed. Where homes back onto the boundary a 1.8m fence is required and therefore access is not available to maintain a hedge in this position. The proposal has therefore tried to introduce trees in suitable gardens to provide a softer edge. Where the boundary is accessible and a hedge is possible the plans have incorporated it along a 1.2m three rung fence in order to tie this in with the rural surroundings. A hedge has been added to the most easterly edge as recommended.
 - To the link road – hedges have been included in the locations recommended.

6.8.27 Landcare reviewed the revised plans and were happy to endorse them in line with the suggestions in the Landscape and Visual Impact Assessment.

6.8.28 From a design, landscape, open space, ecological and permeability perspective it is considered that the proposed Phase 1 plans offer an appropriate and balanced option for the site. A planning condition should, however, be attached to any planning permission granted requiring compliance with the submitted plans.

6.8.29 In conclusion, the proposal is considered to be acceptable in design and landscape terms and compliant with the requirements of Policies CP16, Promoting High Quality Design, DP30, DP32 and DP33 of the Local Plan.

6.9 Conclusion

6.9.1 The application comprises a major development for which an Environmental Impact Assessment was carried out and an Environmental Statement was prepared and submitted with the planning application. The ES has been adequately publicised in

accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.

- 6.9.2 Under Regulation 3 of those Regulations planning permission cannot be granted for EIA development unless the environmental information has been taken into account, which it has in this case. While the likely significant effects of a project on the environment should be identified and assessed at the time of the procedure relating to the principal decision, as stated in Planning Practice Guidance, if those effects are not identified or identifiable at the time of the principal decision, an assessment must be undertaken at the subsequent stage, which means either prior to the approval of reserved matters or prior to the discharge of any condition attached to a full planning permission.
- 6.9.3 Officers are satisfied that the ES contained sufficient information to enable them to assess the main or likely significant effects on the environment and to specify appropriate mitigation measures. Where there has been any doubt, planning conditions have been recommended requiring submission of further environmental information (such as further acoustic surveys) for various reserved matters applications.
- 6.9.4 Furthermore, in determining the application Officers have also had regard to the core message in the NPPF that the purpose of the planning system is to contribute to the achievement of sustainable development. The three dimensions of sustainable development consist of economic, social and environmental roles. Each of these dimensions will be discussed in turn.

Economic Role

- 6.9.5 Paragraph 7 of the NPPF explains that the economic role includes the availability of sufficient land of the right type, in the right places and at the right time to support growth; and building a strong, competitive economy is a cornerstone of Government Policy. In this regard the proposal would generate employment arising from construction works and new household expenditure supporting local facilities and services and increased employment arising from that economic activity. As the development would be a phased construction over a 10 year period it will have a beneficial effect on the local economy for a notable period of time.
- 6.9.6 While it might be argued that those benefits could arise in any event from other residential development elsewhere in the District, this site is the largest allocation in the Council's Local Development Framework and is highlighted as a priority in the North Yorkshire Housing Strategy and Local Investment Plan. As such there is no comparable site or sites and there is a pressing need for additional housing, which could be delivered as early as 2017. This is a factor of significant weight.
- 6.9.7 Consideration is also given to the economic benefits of the site in its existing use as agricultural land. However, as identified in the Agricultural Land Classification and Soil Resources Report dated May 2015, prepared by Reading Agricultural Consultants Ltd and submitted with the application, soil wetness, as influenced by the interaction between impeded drainage and clayey soil profiles, limits most of the site (69.1%) to no better than Subgrade 3b, . While this means that 31% of the land to be developed is best and most versatile land, it must be noted that the proposed allotments fall within the area classified as Grade 2 Very Good Quality land, thus the development will still be able to make good use of the fertile soils. Furthermore, loss of agricultural land was seen by the Local Plan Inquiry Inspector as a consideration overridden by housing need; a consideration which also applies in current circumstances.
- 6.9.8 The loss of the remaining best and most versatile land is therefore considered negligible.

Social Role

- 6.9.9 The proposal would provide the homes required to meet the needs of the present and future generations and it would offer every prospect, through good design, of creating a high quality built environment with accessible local primary school and local services at the proposed neighbourhood centre.
- 6.9.10 Of course though, it is noted that the site would deliver less affordable homes than the 40% desired by Policy CP9, which is disappointing when the North Yorkshire

Strategic Housing Market Assessment concluded that affordable housing needs had increased and that there was a need for an additional 320 affordable homes annually (up to 2016) in Hambleton. However, as identified in Section 6.4, the Council would be in a very weak position trying to require more affordable housing than the viability appraisal demonstrates is possible. The Council would, nevertheless, have the opportunity to revisit the level of affordable housing through a review mechanism recommended to be included within a Section 106 Agreement that would accompany the planning permission. If the housing market improves there may be opportunity for increased affordable housing provision at later phases.

- 6.9.11 The project would also deliver public open space, allotments, and formal children's play space within the site, as well as enhancing the pedestrian/cycling route in to town along Northallerton Road by closing it off to through vehicles. These are substantial benefits to be added to the overall balance.

Environmental Role

- 6.9.12 Although the application site is greenfield land, the bulk of it is allocated for the proposed uses and the expansion of the development limits has been deemed acceptable given the out of date housing figure, the Government's call to boost significantly the supply of housing, and the inevitable need to release some additional greenfield land to meet housing shortfall. On the basis that the green gap between Brompton and Northallerton is to be retained largely as outlined in the Allocations Document, that the landscape strategy would be capable of providing effective definition and containment, that the site has no 'special' designation, and that the site presents limited ecological value, it is considered that the environmental impacts of the development would be minimal.

- 6.9.13 While there are local concerns about the opportunities for walking, cycling and horse riding through and across the site, the development is not bereft of any walking routes or a cycle path and NYCC Highways has advised that the provision is commensurate with both the scale of the development and the evidence of anticipated users. Furthermore, once the development of the neighbourhood centre is established, the need to head in to Northallerton Town Centre for every day services and provisions will be reduced. The proposal would be generally consistent with Policies CP1 and CP2.

Other Considerations

- 6.9.14 With reference to the number of written objections on the lack of housing need, the housing policies in the local plan (particularly CP5 on the amount of housing and CP4 and DP9 on the need to demonstrate exceptional circumstances for proposals outside development limits) are out of date or inconsistent with the provisions of the NPPF, and as a result provide insufficient housing land to meet identified needs. Therefore, pending the preparation of a new plan, allocated sites (which have already undergone considerable evidence gathering and scrutiny by a Planning Inspector) such as the subject site must be encouraged to come forward and their expansion beyond the development limits considered on their own merits.

- 6.9.15 A history of surface water flooding in the locality is well documented but the technical evidence supporting the application, and scrutinized by the Council's Drainage Engineer, the EA, NYCC SUDS Officer indicates that it would be possible to ensure that surface water from the site could be managed so as not to cause or add to any flooding in the area. While the IDB Engineer has expressed concerns about displacement of water as a result of land raising, he suggests a planning permission condition seeking further detail of the exceedance measures, which would need to be approved before any development could commence. This is a sufficient resolution. With regard to existing problems in Brompton, they are not a sufficient basis to preclude the proposed development.

- 6.9.16 The issue regarding the problems at Low Gates level crossing is also well documented, but as detailed in Section 6.3 the proposed development would not create a further burden on that part of the highway network. While the proposed link road and bridge would not be a panacea for the highway problems in and around Northallerton, it will bring some relief to certain key junctions and provide an alternative to Low Gates. Furthermore, it is designed to mitigate the impact of the

number of vehicles associated with the 900 new dwellings and on that basis the development as a whole.

- 6.9.17 The issue of noise impacts from the operations of Allerton Steel on the proposed new dwellings and aged care facilities has also been raised in some length and the concern raised by Allerton Steel that they might be forced to adapt their working practices in the future to deal with noise complaints is a valid one and is acknowledged. However, the acoustic testing undertaken to date of the existing conditions demonstrates that the dwellings within Phase 1 could be designed and constructed to minimise noise impacts. With regard to development in later phases it is recommended that additional acoustic testing is undertaken for the development of any sensitive land use across the site or in the proximity of sensitive land uses and that appropriate mitigation if required is conditioned and implemented. As the development of future phases, including the expansion of Allerton Steel, is not as yet defined, it would be premature to assume that acoustic impacts could not be overcome.
- 6.9.18 Finally, although it is said that the proposal would place a strain on secondary school places, and on local health services, none of the relevant providers oppose the development. A variety of other concerns have been noted, but none provide a compelling reason to count against the proposal.
- 6.9.19 In conclusion, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 6.9.20 The three roles of sustainable development are mutually dependent. The proposal would deliver economic and social benefits and would be neutral on environmental benefits. The pattern of growth would be in a generally sustainable location, its negative impacts on the countryside would be minimal and capable of being offset by a landscape strategy; and the loss of best and most versatile agricultural land would be of negligible consequence. While the views of local people are an important consideration, the limited adverse impacts arising from the development would not significantly and demonstrably outweigh the very clear benefits of the scheme when assessed against the policies in the NPPF taken as a whole.
- 6.9.21 In terms of the development plan, the housing target in Policy CP5 is out of date, which in turn undermines the restraint on development outside the development limits given the Council's lack of a 5 year housing supply. Notwithstanding, the proposal would be generally consistent with Policies CP1 and CP2 and the underlying spatial principles. The proposal would not wholeheartedly comply with the targets for affordable housing set out in Policy CP9, however, that Policy recognises that the actual provision on individual sites will be determined through negotiations taking into account viability and the economics of the provision. The applicant's viability assessment has been thoroughly appraised and the provision of up to 15% affordable housing has been justified. This will be revisited through an appropriate review mechanism attached to a Section 106 Agreement. It can therefore be said that the proposal is generally consistent with the development plan when read as a whole.
- 6.9.22 Overall, the benefits arising from the development are significant; primarily the provision of 900 dwellings in an area suffering from a shortfall. Furthermore, the significance of other benefits should not be underestimated. The link road and bridge would bring some relief to Northallerton's queues caused by level crossings over key roads into/out of the town. The land for a two form entry primary school will not only serve the new community on the appeal site, but also wider strategic growth in the immediate surroundings, alleviating existing pressures on primary schools in the district. The land for a much needed sports village will allow expansion of existing sports clubs in the area and contribute to the health and wellbeing of all Hambleton's residents. Adverse impacts are limited.
- 6.9.23 It is therefore recommended that subject to the imposition of conditions and the completion of a Section 106 Agreement to secure the necessary and justifiable infrastructure works, contributions and affordable housing, that planning permission be granted for the application as submitted.

7.0 RECOMMENDATION

That Planning Permission is **GRANTED** for both the Outline and Full proposals subject to:

- 1) Authority being delegated to the Executive Director, in consultation with the Chairman of Planning Committee to agree the terms of a Section 106 Agreement that shall include the following key points:
 - Securing the provision of up to 15% affordable housing subject to deductions for any necessary developer contributions.
 - Requiring full, independently assessed, viability assessments undertaken for all residential phases beyond Phase 1, to inform the percentage of affordable housing deliverable as part of that phase.
 - Securing the tenure of the affordable homes on all phases.
 - Securing the timing of the completion of the link road and bridge in the early stages of the Phase 1 development and its transfer to NYCC Highways.
 - Securing the transfer and timing of the transfer of the provision of land within the site for a primary school.
 - Securing the transfer and timing of the transfer of land for the sports village, allotments, and associated landscape buffers.
 - Securing the provision and implementation of Travel Plans for each of the various uses.
 - Securing a mechanism for the future maintenance of landscaped areas (excepting the sports village and allotments).
- 2) Subject to the following conditions:

Phasing

1. With the exception of Phase 1 (approved in full as part of this permission – 291 dwellings, the link road and bridge, the village green and SUDS), a detailed phasing plan for the development shall be submitted to and approved in writing by the local planning authority prior to the submission of the first reserved matters application and prior to the commencement of any development. The phasing plan shall specify the proposed timing for delivery of the housing and other build elements of the development. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

Reserved Matters to be Submitted

2. No development shall commence on any part of the development other than the formation of access roads and the works specified in Phase 1 (approved in full as part of this permission – 291 dwellings, the link road and bridge, the village green and SUDS) until all of the following reserved matters have been submitted for approval by the Local Planning Authority: (1) Appearance (2) Landscaping (3) Layout (4) Scale. An application for approval of reserved matters for all phases of the development must be made to the Local Planning Authority not later than the expiration of five (5) years beginning with the date of the grant of outline planning permission.

Reason: To enable the Local Planning Authority to properly assess these aspects of the proposal against relevant policies within the Development Plan (particularly DP32) before the development commences and to ensure compliance with Section 92 of the Town and Country Planning Act 1990.

Commencement of Development

3. Unless otherwise agreed in writing by the Local Planning Authority, the development of Phase 1 (approved in full as part of this permission – 291 dwellings, the link road and bridge, the village green and SUDS) shall be begun within 12 months of the date of this permission. Each subsequent phase or sub phase of the development hereby permitted shall be begun within two (2) years of the date of approval of the last of the reserved matters to be approved for that phase or sub phase.

Reason: To ensure that housing is delivered in a timely manner to meet the District's Full Objectively Assessed Housing Need and to ensure compliance with Section 92 of the Town and Country Planning Act 1990.

Approved Plans - Outline

4. The development of the outline planning permission hereby approved shall not be undertaken other than generally in accordance with the Environmental Statement (and its technical appendices) submitted with the application and the plans and documents detailed below unless required otherwise by another planning condition of this permission or unless otherwise agreed in writing by the Local Planning Authority:
- Application Boundary Plan, Nod. 0000-001 Rev B, dated Jan 2014, produced by Spawforths;
 - Illustrative Masterplan Scaled, Nod. 0000-0019 Rev A, dated May 2015, produced by Spawforths;
 - Parameters Land Use Plan, Nod. P0-MP-SPA-P3769-5IL-1000-0001 Rev B, dated 22 May 2015, included within the Design and Access Statement Planning Issue 02 June 2015, produced by Spawforths;
 - Parameters Movement Framework Plan, Nod. P0-MP-SPA-P3769-5IL-1000B Rev B, dated May 2015, included within the Design and Access Statement Planning Issue 02 June 2015, produced by Spawforths;
 - Parameters Character Areas Plan, Nod. P0-MP-SPA-P3769-5IL-1000-0001 Rev A, dated May 2015, included within the Design and Access Statement Planning Issue 02 June 2015, produced by Spawforths;
 - Parameters Density and Phase 1 Areas Plan, Nod. P0-MP-SPA-P3769-5IL-1000-0001 Rev A, dated May 2015, included within the Design and Access Statement Planning Issue 02 June 2015, produced by Spawforths;
 - Parameters Open Space and Landscape Framework Plan, Nod. P0-MP-SPA-P3769-5IL-1000-0001 Rev A, dated May 2015, included within the Design and Access Statement Planning Issue 02 June 2015, produced by Spawforths;
 - Proposed Link Road Alignment and Access Arrangements Plan, Nod. 12003/GA/11 Rev G, dated September 2015, produced by Optima Highway Solutions;
 - Bridge Over Railway General Arrangement Plan, Nod. BHB-DRG-1000 Rev 03, dated March 2015, produced by Buro Happold Engineering; and
 - The Design and Access Statement, Planning Issue 02 June 2015, prepared by Spawforths.

Reason: 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 Policies noted in the officer's report to committee.

Approved Plans – Full Phase 1

5. The development of Phase 1 approved in full as part of this permission – 291 dwellings, the link road and bridge, the village green and SUDS shall not be undertaken other than generally in accordance with the Environmental Statement (and its technical appendices) and the plans detailed below unless required otherwise by another planning condition of this permission or otherwise agreed in writing by the Local Planning Authority:
- Phase 1 Red Line Boundary Plan, Nod. 12003-SK-01, Rev B, dated August 2015, and produced by Optima Highways Solutions;
 - Illustrative Masterplan Scaled, Nod. 0000-0019 Rev A, dated May 2015, and produced by Spawforths;
 - Persimmon Homes Proposed Site Plan, Nod. YOR.2457.004 Rev B, dated 09 Sept 2015, and produced by Pegasus Urban Design;
 - Persimmon Homes Proposed Site and Street Scenes Plan, Nod. YOR.2457.003 Rev B, dated 09 Sept 2015 and produced by Pegasus Urban Design;

- Taylor Wimpey Planning Layout Plan, Nod. NN:00 Rev C, dated 26 Oct 2015, and produced by Taylor Wimpey;
- Proposed Link Road Alignment and Access Arrangements Plan, Nod. 12003/GA/11 Rev G, dated September 2015, and produced by Optima Highways Solutions;
- Bridge Over Railway General Arrangement Plan, Nod. BHB-DRG-1000 Rev 03, dated March 2015, produced by Buro Happold Engineering;
- Taylor Wimpey Planning Layout Plan, Nod. NN:00 Rev C, dated 26 Oct 2015, and produced by Taylor Wimpey
- Taylor Wimpey Landscape Plan Sheet 1 of 3, Nod. 2585/1 Rev H, dated 02 Nov 2015, and produced by Rosetta Landscape Design.
- Taylor Wimpey Landscape Plan Sheet 2 of 3, Nod. 2585/2 Rev H, dated 02 Nov 2015, and produced by Rosetta Landscape Design.
- Taylor Wimpey Landscape Plan Sheet 3 of 3, Nod. 2585/3 Rev H, dated 02 Nov 2015, and produced by Rosetta Landscape Design.
- Landscape Masterplan for Spine Road, Nod. YOR.2457.010C Sheet 1 of 5, dated Oct 2015, and produced by Pegasus Urban Design;
- Landscape Masterplan for Spine Road, Nod. YOR.2457.006C Sheet 2 of 5, dated Oct 2015, and produced by Pegasus Urban Design;
- Landscape Masterplan for Spine Road, Nod. YOR.2457.007C Sheet 3 of 5, dated Oct 2015, and produced by Pegasus Urban Design;
- Landscape Masterplan for Spine Road, Nod. YOR.2457.008C Sheet 4 of 5, dated Oct 2015, and produced by Pegasus Urban Design;
- Landscape Masterplan for Spine Road, Nod. YOR.2457.009E Sheet 5 of 5, dated Oct 2015, and produced by Pegasus Urban Design;
- The following Persimmon House Type Elevations and Floor Layout Plans:
 - Bickleigh Village (BK-WD16) Rev A;
 - Chedworth (CD-WD10);
 - Clayton Village (CA-WD16) Rev C;
 - Corfe Village (CF-WD16) Rev F;
 - Hanbury Village (HB-WD16) Rev P;
 - Hatfield Village (HT-WD16) Rev P;
 - Henley (HE/2 Bed);
 - Morden Village (MR-WD16) Rev J;
 - Moseley Village (MS-WD06) Rev L;
 - Penshaw (PW/3 Bed);
 - Pickering and Folkestone (PIC & FO);
 - Roseberry Village (RS-WD16) Rev S;
 - Rufford Village (RF-WD16) Rev P;
 - Winster Village (WS-WD16) Rev S.
- The following Taylor Wimpey House Type Elevations and Floor Layout Plans:
 - Aldenham Issue 5 (PD32/5/PL1 & PD32/5/PL2);
 - Alton Issue 5 (PB35/5/PL1 & PB35/5/PL2);
 - Bellerby Issue 5 (ZA34/5/PL1 & ZA34/5/PL2);
 - Bradenham Issue 5 (PD48/5/PL1 & PD48/5/PL2);
 - Cotterdale Issue 5 (ZA25/5/PL1 & ZA25/5/PL2);
 - Downham Issue 5 (PD49/5/PL1 & PD49/5/PL2);

- Gosford Issue 5 (PA34/5/PL1 & PA34/5/PL2);
- Haddenham Issue 5 (PD411/5/PL1 & PD411/5/PL2);
- Holywell 722 (722/5/PL3 & 722/5/PL1);
- Langdale Issue 5 (PT43/5/PL1 & PT43/5/PL2);
- Lavenham Issue 5 (PD51/5/PL1 & PD51/5/PL2);
- Midford Issue 5 (PA44/5/PL1 Rev A & PA44/5/PL2 Rev A);
- Shelford Issue 5 (PA48/5/PL1 & PA48/5/PL2);
- Woodruff Issue 4 (B881/4/PL1 & B881/4/PL2).

Reason: 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 Policies noted in the officer's report to committee.

Boundary Treatment – Details

6. The rear garden side and rear walls or fences on the Phase 1 residential plots, as shown on Persimmon Homes Proposed Site Plan, Nod. YOR.2457.004 Rev B, dated 09 Sept 2015, and produced by Pegasus Urban Design shall be increased in height from 1200 mm to a minimum of 1500 mm and a maximum of 1800 mm.

Reason: To provide adequate privacy and security to individual occupiers of those dwellings in accordance with Development Plan Policy DP32 and advice of the Police Architectural Liaison Officer.

Landscaping

7. The reserved matters application(s) for landscaping referred to in Condition 2 of this permission must include a masterplan for the entire site encompassing all areas identified on the "Open Space and Landscape Framework" Nod. P0-MP-SPA-P3769-5IL-1000-0001 Rev A, dated May 2015, including the following:
- a) The mitigation measures proposed in the Landscape and Visual Impact Assessment of Appendix 7, Volume 2 of the Environmental Statement submitted with the application;
 - b) The landscape measures approved as part of the Phase 1 development;
 - c) The ecological enhancement measures required by Condition 27 of this permission;
 - d) A detailed landscape scheme for watercourses;
 - e) A detailed scheme for buffer area between Northallerton and Brompton and the northern boundary generally;
 - f) A detailed scheme for "the Meander at Hawthorne" including suitable integrated fencing and/or planting on the western side of the railway line to prevent public access to the railway line;
 - g) Individual planting plans for each phase of the development (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods); and
 - h) An implementation and management programme.

The Masterplan and individual planting plans must be approved in writing by the Local Planning Authority. Landscaping shall be carried out in accordance with the approved design, implementation and management programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance.

8. If within a period of five years, from the completion of any phase (or sub phase) of the development, any trees, plants, or hedgerows planted as part of this development either die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, they shall be replaced with the same species in the current planting season or the first two months of the next planting season, whichever is the sooner, at the developers expense, unless the Local Planning Authority gives written consent

to any variation.

Reason: To maintain and improve the amenity of the area.

9. Prior to the commencement of Phase 1 of the development (approved in full as part of this permission – 291 dwellings, the link road and bridge, the village green and SUDS), a revised Planting Plan for the Persimmon Homes Scheme to the west of the site to accord with the Landscape Masterplan for the Spine Road, Nod. YOR.2457.006C Sheet 2 of 5, dated October 2015 and produced by Pegasus Urban Design, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure consistency between approved plans.

10. Trees identified as being retained on the site in the amended Arboricultural Report submitted to the Local Planning Authority on 6th October 2015, must be protected in line with BS 5837:2012 (or any subsequent guidance). If during the construction of the development a tree identified as being retained in the Arboricultural Report is required to be removed, the written consent of the Local Planning Authority must be obtained prior to the removal of the said tree.

Reason: To maintain and improve the amenity and biodiversity of the area.

Hours of Construction

11. No building works including excavation, demolition works, piling operations, or other external construction works in general shall be carried out within 200 metres of the boundary of any residential property except between the hours of 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday, with no construction taking place on Sunday or any public holiday unless by prior written consent of the Local Planning Authority.

Reason: In order to protect the amenity of neighbouring occupiers in accordance with the Development Plan Policies CP1 and DP1.

Construction Method Statement

12. No development for any separate phase or sub-phase of the development shall take place until a Construction Method Statement and Plan for that separate phase or sub-phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Phase Construction Method Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- i) Working hours on site (having regard to Condition 11 above);
- ii) The parking of vehicles of site operatives and visitors;
- iii) Loading and unloading of plant and materials;
- iv) Construction traffic management;
- v) The routing of HGV and other Construction related traffic to and from the site;
- vi) Timing of deliveries and other construction related traffic to and from the site;
- vii) A programme for the delivery of the works;
- viii) Details and programme of all traffic management (temporary signs and controls) proposed;
- ix) Details of construction accesses to be used during the building of roads, dwellings and other infrastructure.
- x) Storage of plant and materials used in the construction of the development to avoid any potential ground contamination;
- xi) The erection and maintenance of security hoarding where appropriate;
- xii) Wheel washing facilities;
- xiii) Measures to control the emission of dust and dirt during construction;
- xiv) Measures to control noise and vibration during construction;
- xv) Means of protection of trees and hedgerows during site preparation and construction;
- xvi) A scheme for recycling/disposing of waste resulting from demolition, excavation and any other construction works.

Reason: To maintain and improve the amenity of the area and in the interests of the safety and convenience of highway users.

Levels

13. No phase of the development (including Phase 1 approved in full as part of this permission –

291 dwellings, the link road and bridge, the village green and SUDS) shall commence until detailed cross sections showing the existing ground levels (of the site and the immediately adjacent land) in relation to the proposed ground and finished floor levels for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the development is appropriate in terms of amenity and meeting sustainability objectives in accordance with Development Plan Policies CP1 and DP1.

Archaeology

14. No development (which includes site clearance works and excavation) shall take place/commence on any separate phase or sub phase until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing in respect of each phase of the development. The Scheme shall include an assessment of significance and research questions, and:

- a) The programme and methodology of site investigation and recording;
- b) Community involvement and/or outreach proposals;
- c) The programme for post investigation assessment;
- d) Provision to be made for analysis of the site investigation and recording;
- e) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- f) Provision to be made for archive deposition of the analysis and records of the site investigation;
- g) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest and on the advice of North Yorkshire County Council Archaeological Officer.

15. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 14 of this permission.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest and on the advice of North Yorkshire County Council Archaeological Officer.

16. No part of the development on any separate phase or sub phase shall be occupied or the link road operational until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 14 of this permission and the provision made for analysis, publication and dissemination of results and that archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest and on the advice of North Yorkshire County Council Archaeological Officer.

17. The details submitted in pursuance of Condition 14 above shall be preceded by the submission to the Local Planning Authority for approval in writing, and subsequent implementation, of a Scheme of Archaeological Investigation to provide for:

- a) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area; and
- b) An assessment of the impact of the proposed development on the archaeological significance of the remains.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest and on the advice of North Yorkshire County Council Archaeological Officer.

Flood Risk

18. No development (which includes site clearance works and excavation) shall take place for any phase until a Detailed Design and associated Management and Maintenance Plan of surface

water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed 1.4 l/s/ha following the corresponding rainfall event. The approved drainage design shall be implemented in accordance with the approved detailed design prior to completion of the development.

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system; to improve and protect water quality; and in accordance with Development Plan Policies CP21 and DP43.

19. The Detailed Drainage Design to be submitted in line with Condition 18 of this permission shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council's SUDs Design Guidance which is in place at the time of submission.

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system; to improve and protect water quality; and in accordance with Development Plan Policies CP21 and DP43.

20. The Management and Maintenance Plan to be submitted in line with Condition 18 of this permission must provide for the lifetime of the development, and the details shall include, but not be exclusive to, the arrangements for adoption by any public authority undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system; to improve and protect water quality; and in accordance with Development Plan Policies CP21 and DP43.

21. The development shall be carried out generally in accordance with the submitted Flood Risk Assessment and the following mitigation measures outlined below unless otherwise agreed in writing by the Local Planning Authority. These measures shall be fully implemented prior to occupation of any phase of the development, and according to the scheme's phasing arrangements as approved by the local planning authority:

- a) Surface water run-off will be limited to 1.4l/s/ha so that it does not increase the risk of flooding off site.
- b) Provision of level for level compensatory flood storage to mitigate for the proposed link road as described in Section 8 of the submitted Flood Risk Assessment and Drawing No. 4033 FRA05 Rev 0. The compensatory storage shall be located outside of Flood Zone 3, and must be approved in writing by the local planning authority in consultation with the Environment Agency and provided before any construction of the link road within Flood Zone 3 commences. This compensatory flood storage submission to the local planning authority should also include a report providing detailed calculations demonstrating the loss of storage as a result of the development, and, that gained by the provision of compensatory storage. The applicant must also include detailed design drawings for the proposed compensatory storage detention basins.
- c) The applicant shall provide large box section culverts in the embankment for the link road as detailed in Section 8.13 of the submitted Flood Risk Assessment and Drawing No. 4033 FRA05 Rev 0. These should be sized appropriately to maintain existing overland flows.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site; to prevent flooding elsewhere by ensuring compensatory storage of flood water is provided; to ensure that existing flood flow routes are maintained, in accordance with Development Plan Policies CP21 and DP43.

22. With the exception of the proposed link road, for which level for level compensatory storage shall be provided, there must be no raising of ground levels within the floodplain, and all excess spoil shall be removed from the floodplain (prior to the occupation of the development).

Reason: To ensure that there is no loss of storage within the floodplain, and to ensure that possible future flood flows are not pushed on to others in accordance with Development Plan Policies CP21 and DP43.

23. Prior to the commencement of the development, the construction details of the scheme to raise ground levels and deepen the watercourse through the east of the site shall be submitted to and approved by the Local Planning Authority in consultation with the Internal Drainage Board. The effect of raised ground levels should be investigated with regard to loss of flood plain to the site's easternmost watercourse, surface water flood risk, exceedance flow paths through the development and consequent effect on downstream flood risk; furthermore, a scheme to mitigate any residual flood risk shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that there is no loss of storage within the floodplain, and to ensure that possible future flood flows are not pushed on to others.

Drainage and Sewerage

24. The development shall be constructed in accordance with the phasing plan submitted to and approved by the Local Planning Authority. Prior to commencement of each phase of the development evidence shall be submitted to and approved by the local planning authority that the necessary waste water infrastructure (including off-site works and the point of connection [s] into the existing public sewer) and whether permanent or temporary solutions, will be provided to serve that phase of the development. No occupation of any part of the development shall commence until it has been proven to the satisfaction of the Local Planning Authority that the required foul water drainage system has been implemented. Furthermore, the site shall be developed with separate systems of drainage for foul and surface water on and off site and no additional surface water shall discharge to the existing local public sewer network.

Reason: In order to ensure that provision of waste water infrastructure is provided in time in accordance with Development Plan Policy DP6

25. Notwithstanding the above, foul water drainage associated with phase 1 of the development shall be constructed and operated in accordance with Sustainable Drainage Assessment and Detailed Foul and Surface Water Drainage Report no. 437/SDD1(B) and associated drawing no. 4377-C--D7-1 both dated May 2015 and the Sustainable Drainage Assessment and Detailed Foul and Surface Water Drainage Report 3525/SDD1(A) all prepared by iD Civils Design Ltd. Furthermore, unless otherwise approved in writing by the local Planning Authority, the pumped foul water discharge from any part of the Phase 1 development to public sewer shall not exceed 4 litres a second.

Reason: In the interest of satisfactory drainage and Development Plan Policies DP6 and DP43.

Public Rights of Way

26. No works are to be undertaken which will create an obstruction, either permanent or temporary to the Public Right of Way adjacent to the proposed development.

Reason: To continue to allow users of the PROW to pass unhindered and safely.

Ecology

27. No development (which includes site clearance works and excavation) shall take place/commence on any separate phase or sub phase until an Ecological Enhancement Management Plan has been submitted to the Council for approval for each separate phase or sub phase. The Plan will set out all necessary ecological mitigation and enhancements measures, including those specified in Chapter 8: Biodiversity of the ES, to cover the construction of the development and not less than 10 years following its completion. The Plan will make provisions for, but is not limited to, habitats, terrestrial mammals, bats, birds, and invertebrates. The biodiversity mitigation and compensation for Phase 1 (approved in full as part of this permission – 291 dwellings, the link road and bridge, the village green and SUDS) must be fully self contained and must not rely on mitigation schemes from the Outline Phases to secure net gains for biodiversity.

Reason: In accordance with the objectives of mitigating impacts on ecological interests and enhancing biodiversity, and Development Plan Policies CP16 and DP31.

28. A badger survey must be carried out not less than 12 weeks before the commencement of construction on each separate phase or sub phase. Results and appropriate mitigation

measures (where required) must be submitted to the Local Planning Authority and Natural England for approval in writing and thereafter implemented in full.

Reason: In accordance with the objectives of mitigating impacts on ecological interests and enhancing biodiversity, and Development Plan Policies CP16 and DP31.

29. No development shall commence until a scheme providing for pre-construction surveys of and mitigation impacts for breeding birds including any nests on the site of each separate phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. Surveys should also be suitable to record Schedule 1 barn owl, if present.

Reason: To comply with the Wildlife and Countryside Act 1981 to protect all wild birds whilst they are actively nesting or roosting and in accordance with the objectives of mitigating impacts on ecological interests in Development Plan Policies CP16 and DP31.

30. To ensure that works are legally compliant, vegetation clearance should be undertaken between September and late February to avoid the bird nesting season (March–August) unless otherwise agreed in writing by the Local Planning Authority. Any nests identified during vegetation clearance should be protected until the young have fledged. Where a Wildlife and Countryside Act Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, must be devised, approved by the Local Planning Authority and implemented. If vegetation clearance and/or construction work is approved in writing by the Local Planning Authority during or extending into the bird nesting season, further assessments and mitigation measures, such as ecological supervision at the developers expense, may be required by the Local Planning Authority.

Reason: To comply with the Wildlife and Countryside Act 1981 to protect all wild birds whilst they are actively nesting or roosting and in accordance with the objectives of mitigating impacts on ecological interests in Development Plan Policies CP16 and DP31.

31. To reduce the risk of bats roosting in the property known as Hartington House on the site, the buildings should be demolished as soon as practicable. However, in the event that the buildings are not removed before September 2016, bat dusk emergence and dawn re-entry surveys must be repeated in September 2016 and annually thereafter if the buildings continue to remain until the development of that part of the site is undertaken. The results of the surveys and any required mitigation measures must be submitted to the Local Planning Authority for written approval prior to the removal of those buildings after September 2016.

Reason: In accordance with the objectives of protecting Protected Species, mitigating impacts on ecological interests and enhancing biodiversity, and Development Plan Policies CP16 and DP31.

32. The Phase (or Phases) of development which includes the buildings at Sheepcote Close identified on Drawing Number MMD-326684-L-DR-XX-2008, Rev P1, dated 31/03/2014 and included in the Mott MacDonald Initial Bat Assessment Report, dated May 2015 and forming part of Appendix 8.1 of Volume 2 of the submitted Environmental Statement, shall not commence until all the buildings are reassessed for the presence of bats. The results of the initial assessment must be submitted to the local planning authority for approval. If after this initial assessment further emergence and activity surveys are deemed to be necessary, the Phase (or Phases) of development shall not take place until these further surveys have taken place, mitigation measures identified and reports prepared and submitted for approval in writing by the Local Planning Authority. The mitigation measures identified must then be undertaken in accordance with the approved mitigation scheme.

Reason: In accordance with the objectives of protecting Protected Species, mitigating impacts on ecological interests and enhancing biodiversity, and Development Plan Policies CP16 and DP31.

Noise

33. The dwellings hereby permitted shall be designed to ensure that the following internal noise levels (as recommended by BS8233:2014 – Guidance on Sound Insulation and Noise Reduction for Buildings) are not exceeded due to environmental noise, as follows:

Bedrooms - 30dB $L_{Aeq,*}$ and 35dB $L_{Aeq,T}^{\dagger}$

Living rooms- 35dB LAeq, T[†]

Dining Room – 40dB LAeq, T[†]

*- Night-time 8 hours between 23:00-07:00

† - Daytime 16 hours between 07:00-23:00.

A validation test shall be carried out on a relevant sample of premises (to be agreed with the Local Planning Authority) during daytime and night time hours following completion of each phase of the development but prior to occupation. The results shall be submitted to the LPA for approval in writing. No dwelling shall be occupied until it can be demonstrated that the noise levels noted above at the sample properties have been met.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from neighbouring land uses and transportation sources in accordance with Policy CP1 Sustainable Development.

34. The land immediately adjacent to Allerton Steel on the south side of the link road labelled 'to be determined' on the plan identified as Illustrative Masterplan Scaled, Nod. 0000-0019 Rev A, dated May 2015, and produced by Spawforths, must not be developed or used for Use Class C3: Dwellinghouses or Use Class C4: Houses in Multiple Occupation of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: Occupiers of dwellings in this location would suffer a significant loss of amenity by reason of excess noise from the adjacent industrial use of the land, contrary to the provisions of Policy CP1 Sustainable Development of the Local Plan and the NPPF.

35. Any reserved matters application for sensitive land uses (such as dwellinghouses, sheltered accommodation, and care homes) to the south of the link road (having regard to the terms of Condition 34 of this permission) must be accompanied by a Noise Impact Assessment and Mitigation Plan to demonstrate compliance with internal noise levels identified in BS 8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings (or any replacement guidance). The Assessment and Plan must be approved in writing by the Local Planning Authority prior to the commencement of any development of the said land and the mitigation measures approved must be implemented prior to the occupation of any buildings on the said land.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Policy CP1 Sustainable Development and the NPPF.

36. Any reserved matters application for any land use not included in Conditions 34 and 35 of this permission to the south of the link road must be accompanied by a Noise Impact Assessment and Mitigation Plan to demonstrate that the use(s) itself and any associated Heavy Goods Vehicle movements would not increase the internal or external noise levels of sensitive land uses approved across the wider development site above the levels recommended in BS 8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings (or any replacement guidance) or BB93 – Acoustic Design of Schools (or any replacement guidance) as relevant. The Assessment and Plan must be approved in writing by the Local Planning Authority prior to the commencement of any development of the said land and the mitigation measures approved must be implemented prior to the commencement of use of any buildings on the said land.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Policy CP1 Sustainable Development and the NPPF.

Retail

37. The floorspace of the individual A1 (Shops) units within the neighbourhood centre must not exceed 500 m² gross unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the neighbourhood centre primarily serves local needs and to maintain major retail provision in the primary retail area boundary of Northallerton Town Centre in line with Local Plan Policies DP21 and DP24, and the provisions of the NPPF.

Highways for any Phase of the Development

38. Detailed Plans of Link Road, Roundabouts and Bridge

Prior to the commencement of construction of any section of the link road, detailed design and construction drawings for the link road must be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority. As part of the detailed design process, a formal Road Safety and Non-Motorised User Audit must be undertaken; in addition, the shared footway/cycleway should be relocated to the north side of the link road and the single footway relocated to the south side of the link road unless evidence is provided to demonstrate that this cannot be safely achieved or that the cost in changing the specification of the road reduces the viability of the development. The construction of the link road must be in accordance with the approved details (which are to include any amendments required by the audits which have been undertaken) or such amendments as may be agreed in writing.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users and to improve the safety of non-motorised users.

39. Prior to the commencement of any development on the site, detailed design and construction drawings for the new roundabouts at Darlington Road and Stokesley Road, must be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority. The construction of the roundabouts must be in accordance with the approved details or such amendments as may be agreed in writing.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

40. Prior to the commencement of any work to the bridge or its embankments, detailed design and construction details for the bridge and embankments must be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and Network Rail. The construction of the bridge and embankments must be in accordance with the approved details or such amendments as may be agreed in writing.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

41. Detailed plans of road and footway layout (outline all types)

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site **for each separate phase or sub-phase of the development**, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - The proposed highway layout including the highway boundary
 - Dimensions of any carriageway, cycleway, footway, and verges
 - Visibility splays
 - The proposed buildings and site layout, including levels
 - Accesses and driveways and parking
 - Drainage and sewerage system
 - Lining and signing
 - Traffic calming measures
 - All types of surfacing (including tactiles), kerbing and edging
 - Links to the pedestrian and cycle crossing points and bus stops on the link road.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - The existing ground level
 - The proposed road channel and centre line levels
 - Full details of surface water drainage proposals.

- c. Full highway construction details including:
 - Typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - When requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - Kerb and edging construction details
 - Typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

42. B8 Uses – Revised Transport Assessment

No part of the site is to be developed for or occupied by B8 (Storage and Distribution) Uses until a revised Transport Assessment including plans illustrating turning circles and visibility splays has been provided to the Council's satisfaction to demonstrate that the link road and any side access roads can safely accommodate the necessary vehicles movements/manoeuvres (specifically any Heavy Goods Vehicles).

Reason: In the interests of the safety and convenience of highway users.

43. Travel Plan

No separate phase or sub-phase of the development, including the school, shall take place until a Phase Travel Plan for that separate phase or sub-phase of the development, based upon the agreed Framework Travel Plan, has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. No separate phase or sub-phase of the development shall be occupied prior to implementation of the Approved Phase Travel Plan (or implementation of those parts identified in the Approved Phase Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Phase Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In accordance with Development Plan Policy CP2 and to establish measures to encourage more sustainable non-car modes of transport.

Highways – Off-Site Highway Works

44. Approval of details for site works in the highway –

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:-
 - a. Amendments to the existing Stonecross mini-roundabout to improve capacity within the existing highway boundary
 - b. Amendments to the existing mini-roundabout at the western end of Quaker Lane to improve capacity within the existing highway boundary

- c. Amendments to the existing mini-roundabout at the eastern end of Quaker Lane to improve pedestrian facilities following the opening of the link road to through traffic.

The aforementioned amendments should be generally in accordance with the plans numbered 12003/GA/01 Rev B, 12003/GA/02 Rev A and 12003/GA/03 Rev B, prepared by Optima Highways and submitted with the application or subsequent plans approved by the Local Planning Authority after consultation with the Local Highway Authority.

- (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
- (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In the interests of the safety and convenience of highway users.

45. Completion of works in the highway before occupation of the 51st dwelling

Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the following off site highway works shall have been constructed in accordance with the details approved in writing by the Local Planning Authority under Condition Numbers 44(i)(a) and 44(i)(b) prior to the occupation of the 51st dwelling:-

- a. Amendments to the existing Stonecross mini-roundabout to improve capacity within the existing highway boundary
- b. Amendments to the existing mini-roundabout at the western end of Quaker Lane to improve capacity within the existing highway boundary

Reason: In the interests of the safety and convenience of highway users.

46. Completion of works in the highway within six months of opening of the Link Road to through traffic

Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the amendments to the existing mini-roundabout at the eastern end of Quaker Lane to improve pedestrian facilities shall have been constructed in accordance with the details approved in writing by the Local Planning Authority under Condition Number 44(i)(c) of this permission within six months of opening of the Link Road to through traffic.

Reason: In the interests of the safety and convenience of highway users.

Highways – For the Phase 1 Residential East of Darlington Road (A167)

47. Construction of roads and footways prior to occupation of dwellings

No dwelling in this Phase or sub-phase to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access and all roads linking it back to the existing adopted highway are constructed to basecourse macadam level and/or block paved and kerbed with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing by the Local Planning Authority in consultation with the Highway Authority before the first dwelling of this phase is occupied, and in accordance with Condition 41(h).

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

48. Parking for dwellings

No dwelling shall be occupied until the related parking facilities for that dwelling approved under Condition 41 have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: 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.

49. Garage conversion to habitable room

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

Highways - For the Phase 1 Residential West of Stokesley Road (A684)

50. Construction of roads and footways prior to occupation of dwellings

No dwelling in this phase or sub-phase to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access and all roads linking it back to the existing adopted highway are constructed to basecourse macadam level and/or block paved and kerbed with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing by the Local Planning Authority in consultation with the Highway Authority before the first dwelling of this phase is occupied, and in accordance with Condition 41(h).

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

51. Closing Brompton Road to Through Traffic

No dwelling in **in this phase or sub-phase** to which this planning permission relates shall be occupied until a programme for the closing of Brompton Road to through vehicular traffic has been submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority. The programme shall include the provision of an alternative route linking Brompton Road north to Stokesley Road via the link road and roundabout and the maintaining of direct pedestrian and cycling routes. Brompton Road shall be closed to through vehicular traffic in accordance with this programme.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

52. Parking for dwellings

No dwelling shall be occupied until the related parking facilities for that dwelling approved under Condition 41 have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: 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.

53. Garage conversion to habitable room

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

Highways - Outline areas of the site (Residential)

54. Construction of roads and footways prior to occupation of dwellings

No dwelling in this separate phase or sub-phase to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access and all roads linking it back to the existing adopted highway are constructed to basecourse macadam level and/or block paved and kerbed with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing by the Local Planning Authority in consultation with the Highway Authority before the first dwelling of this phase is occupied in accordance with Condition 41(h).

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

55. Parking for dwellings

No dwelling shall be occupied until the related parking facilities approved under Condition 41 have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: 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.

56. Garage conversion to habitable room

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling.

57. Doors and windows opening over the highway

All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: To protect pedestrians and other highway users.

Highways - Outline areas of the site (non-Residential)

58. Construction of roads and footways (non-residential)

No part of any separate phase or sub-phase of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing by the Local Planning Authority in consultation with the Highway Authority before the first dwelling of this phase is occupied, and in accordance with Condition 41(h).

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

59. Details of access, turning and parking

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on any non-residential phase of site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. Tactile paving
- b. Vehicular, cycle, and pedestrian accesses
- c. Vehicular and cycle parking
- d. Vehicular turning arrangements

- e. Manoeuvring arrangements
- f. Loading and unloading arrangements.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

60. Provision of approved access, turning and parking areas

No part of any non-residential phase of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under Condition 41 have been constructed in accordance with the approved drawings. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

61. Doors and windows opening over the highway

All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: To protect pedestrians and other highway users.

Informatives

Conditions 21 - 22: Main River Consent

Formal consent from the Environment Agency will be required for any works in, over, under or within 8m of a main river and/or flood defence. The consent must be obtained before any works commence.

Conditions 21 - 22: Surface Water

All surface water drainage details must be agreed with North Yorkshire County Council and the Internal Drainage Board before development commences. Where there are known issues of either surface water flooding or localised flooding from watercourses classified as non main river (that are outside Flood Zones 2 and 3) the applicant must agree any necessary flood compensation with the IDB and North Yorkshire County Council in their role as lead local flood authority.

Conditions 21 - 22: Flooding/Erosion

It is the applicant's responsibility to ensure that their operations do not cause or exacerbate flooding problems and/or erosion problems for others as a result of their works.

Condition 26: Public Rights of Way

Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up to date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

Condition 41: Detailed plans of road and footway layout (outline all types)

In imposing condition number 41 it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Condition 59: Provision of approved access, turning and parking areas

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk