

14/02285/FUL

**Construction of 116 dwellings with associated access, open spaces and landscaping.
at Land to the East of Kellbalk Lane, Easingwold
for Persimmon Homes (Yorkshire) Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Members resolved to defer this application at the meeting on 23 July 2015 in order to receive further information on drainage and to enable the applicant to consider the request of the Committee to include more bungalows in the scheme and for consideration to be given to the hours of working on the site. Since the deferral a flood event in Easingwold has raised further questions relating to the adequacy of the drainage systems and a further response of Yorkshire Water has been received.
- 1.2 The applicant has provided additional drainage details and details of the recently recorded flooding events compiled by those in Easingwold have been supplied to Yorkshire Water and comment has been received from Yorkshire Water. These are reported with comment in paragraphs 4.3 and 5.9 below concluding that a conditional approval is appropriate.
- 1.3 Since the previous consideration of this application additional bungalows have been proposed, 10% of the new dwellings proposed are bungalows. The scheme continues to provide 50% of the dwellings as affordable dwellings in perpetuity controlled by a Section 106 Agreement. These issues are considered in paragraphs 5.13 – 5.18.
- 1.4 Additional consultation has been undertaken following the receipt of amended plans and the responses of Easingwold Town Council and neighbours are reported at paragraphs 4.1 and 4.11. Additional comment is made in paragraph 5.44 and 5.45 in respect of neighbour amenity. An hours of work condition can be recommended, a condition relating to the management of the deliveries to the site is part of condition 3.
- 1.5 Other than as set out in the preceding paragraphs the remainder of this report is unchanged from that presented to the Planning Committee on 23 July 2015.
- 1.6 The proposal seeks to develop two sites that are allocated in the LDF for housing, the southern part of EH2 and all of EH3. EH2 and EH3 are greenfield sites, neither is active agricultural production. EH2 is an overgrown tract of land between housing estates. EH3 is a mix of grassland, scrub and unmaintained woodland that lies between housing on Kellbalk Lane and actively farmed land to the east of Easingwold.
- 1.7 The land is higher at the northern end, falling more gently at the southern end, but is however generally flat throughout. Many trees and hedgerows enclose and subdivide the land in to a series of 4 main parcels.
- 1.8 There are public rights of way to the southern edge of EH2, continuing across the northern edge of the site EH3. There are many informal walked routes through the body of EH3 and a route that breaches the eastern hedgerow to run parallel with the site boundary finally emerging on to Crabmill Lane through a narrow gap in the

hedgerow. The line of Kellbalk Lane is grassed; a parallel tarmac path runs the length of EH2 and EH3 and links Crabmill Lane with Back Lane.

- 1.9 The application originally sought permission for 134 units but following revisions to address concerns about the layout, to protect trees on the boundaries, to provide parking close to dwellings and improve amenity the number of units has been reduced to 116. This results in a density of 33.4 dwellings per hectare.
- 1.10 Three areas of public open spaces would be provided within the site giving a combined area of 5,700 sq. m (0.57 hectares, 1.4 acres). An emergency link road is shown to be proposed to connect between the development of Meadow Springs Way across the Kellbalk Lane public footpath to Oxenby Place. There is currently a public footpath connection from Kellbalk Lane to the highway and footways in Oxenby Place.
- 1.11 The proposal would obstruct informal walking routes within the land to the east of Kellbalk Lane. Footpath connections are proposed to be retained to Kellbalk Lane and to the field edge path to the east of the development site. The definitive rights of way are not obstructed and no public rights of way need to be diverted.
- 1.12 A Tree Preservation Order 15/00009/TPO has been made to protect important 3 groups and 11 individual trees that have been identified as important to the site (and as defined within the submitted tree report) where these trees are within and close to the boundaries of the application site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant planning or enforcement history relating to the application site. To the north of the Crabmill Lane part of the application site a full planning application for the construction of 22 dwellings, associated access and provision of public open space was approved on 31 July 2014. (14/00406/FUL) The scheme provided 11 affordable dwellings (50% of the total) and 2 bungalows. The construction works are underway.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP9A - Affordable housing exceptions
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development 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 DP13 - Achieving and maintaining the right mix of housing
Development Policy DP15 - Promoting and maintaining affordable housing
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 DP39 - Recreational links
Development Policy DP43 - Flooding and floodplains
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
Sustainable Development - Supplementary Planning Document - Adopted 7 April 2015
Allocations Document Policy EH2 - Kellbalk Lane and East of Oxenby Place, Easingwold - adopted 21 December 2010
Allocations Document Policy EH3 - North of Meadow Spring Way, Easingwold - adopted 21 December 2010
National Planning Policy Framework
National Planning Practice Guidance

4.0 CONSULTATION

- 4.1 Easingwold Town Council – Supports the principle of development of the site but notes great concern regarding the infrastructure and services to foul and surface water from this site. Support 50% policy for delivery of affordable houses for local people and request that at least 10% of all dwellings are bungalows.

The Town Council wish to make further representations when we know the reports from the statutory consultations and any amendments made to the application. Given the current development we have concerns about the capacity of the school to accommodate these extra numbers and wish to see highway improvements at the junction on Stillington Road, Long Street and Crabmill Lane. There are 2 public right of ways 10.40/14 and 10.40/16 please retain these as public right of ways.

Following re-consultation after the 23 July Planning Committee the following response has been received:

Wish to see **REFUSED** until the issue of the disposal of surface water is addressed to the satisfaction of Easingwold Town Council. Wish to ensure safe pedestrian access through footpaths.

Further response received

Wish to see **REFUSED** for the following reasons:

1. The Social Infrastructure of Easingwold is not in a position to accommodate further large population increases at this time. Bringing forward this development is detrimental to the Town and its services. A requirement of Sustainable development is that it should maintain or enhance the vitality of the local community. This application, at this time, will not do that.
2. The recent heavy storms showed up some of the deficiencies of the surface water rainfall disposal for Easingwold. Much of the water from North of Stillington Road outfalls across Stillington Road into Leasmire Beck which runs in-between the current housing development and the Business Park. This is in open ditch for some way until the route turns sharply in 2 directions

and then enters a pipe across private land causing a restriction in its capacity & the potential for flooding.

3. The Kyle & Ouse Drainage Board require that developers do not discharge “more than normal agricultural flows” into their drainage ditches. This can be accommodated by the developers by building-in storage facilities and discharging slowly over time, but in storm conditions when the system overloads quickly this does not work.
 4. The drainage infrastructure for Easingwold cannot currently accommodate the level of development proposed without significant upgrade.
 5. During the Neighbourhood Plan consultations earlier this year discussions were held with the Doctors from Millfield Surgery, the Dentists and the Pharmacy. It was clear from these service providers that Easingwold has a serious problem as new housing grows faster than the availability of local Social Infrastructure. Millfield Surgery was stretched, Red Lea Dentists has adopted a no more NHS patients policy and has now discarded their waiting lists and the Pharmacy is too small.
 6. The Doctors from Millfield Surgery have recently written to the Planning Inspectorate with regards to the new Gladman planning appeal. They explain clearly that “Easingwold has seen a significant increase in its population in recent years as a result of a number of large scale developments” “ At the present time health care provision is working at or close to capacity”. The comments contained in their letter equally apply to the Kellbalk Lane application. The applicants for this planning application have not held consultation with the Doctors about their plan to introduce a further 2 -300 people to the Town.
 7. The HDC Local Development Framework document (LDF) Adopted 3 April 2007 set out Settlement Proposals for Easingwold. This was reviewed in 2010 and the Allocations for Sites for Housing & Mixed Use was Adopted 21 Dec 2010. This included housing in 3 phases to maintain the on-going HDC 5 year supply of housing.
 8. Phase 2 was 2016-21 & Phase 3 was defined as “long term” for the period 2021 – 2026 which included land East of Oxenby Place and East of Kellbalk Lane, which is the site in this planning application.
 9. This application brings forward the development, as did Oxenby Place and represents the last allocation contained within the HDC allocation of sites for Easingwold.
 10. During the NP Public Consultation Phase 2 in March 2015 the public view was that future housing development should be “responsible & planned” and growth should be “matched by facilities”.
 11. The Town Council is asked to oppose this Kellbalk Lane application at this time on the grounds that it is premature in the Local Plan and its timing detrimental to the well-being of the Town.
- 4.2 Highway Authority – Advises that the design standard applied is Manual for Streets and that the required visibility splays of 45 x 2.4 metres are available. A request has been made to provide an emergency access to the Crabmill Lane site or alternatively a widening of the carriageway to facilitate access from Crabmill Lane for emergency

vehicles. In the absence of detailed highway designs for new estate roads it is anticipated that conditions are recommended.

- 4.3 Yorkshire Water – Advise that, further to recent communications, the submitted Geo-environmental Appraisal (prepared by Lithos Consulting dated March 2015) confirms sub-soil conditions do not support the use of soakaways because the water table was encountered at a shallow depth. Yorkshire Water asks the developer to give consideration to use of a watercourse which is understood to be located some 100m to the south-east of the site. If the watercourse can be proven not reasonably practical, then Yorkshire Water will have to consider disposal to sewer (at a restricted rate) in line with surface water disposal hierarchy.

Advise that following receipt of additional information from Alan Wood and Partners (contained in an email submissions of 20 April 2015 and 29 June 2015) that the proposals are acceptable. They advise that the following statement supersedes the response of 2 January 2015:

It is noted that there are no watercourses within the vicinity of the development. Curtilage surface water may therefore discharge to public 225 mm diameter surface water sewer located in Kell Balk Lane adjacent to the site, at a restricted rate so as not to exceed 5 (five) litres per second.

A condition is recommended to achieve this specification. Yorkshire Water had also previously sought a condition to protect a water main, however they have now confirmed that the pipe is outside the application site and no planning condition is sought to protect the asset.

Yorkshire Water have, following requests for additional advice following the flooding events in the town during August and September 2015, confirmed that conditions are required relating to the approval of the drainage schemes and that the reports and documents relating to flood events has not changed that advice.

- 4.4 Natural England – Provide advice and no objection to the proposal.
- 4.5 Historic England (Formerly English Heritage) – no objection.
- 4.6 NYCC Archaeology – identifies the need for additional survey work as there is potential for archaeology on the site noting the excavations for the Easingwold bypass found previously unidentified late Iron Age settlement and Romano-British field system.
- 4.7 North Yorkshire Police – Advise that rear parking courts should be removed and the areas should be overlooked. (Note: amendments to the layout have addressed many of these areas of concern.) Areas of open space close to homes provide a venue for anti-social behaviour and the distinction between private and public spaces is uncertain in some areas and can result in a loss of privacy (such as in the areas around plots 1 and 3). Recommends conditions on aspect such as secure cycle stores, lighting over external doors.
- 4.8 Environment Agency – Acknowledge proposal to direct foul and surface water to the public sewer and raise no objection to the approach due to the likely impermeability of the ground.
- 4.9 Forest of Galtres Society – Raise concern regarding overflowing sewers, flooding, path network, landscaping and site layout.

4.10 Environmental Health - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections

4.11 Public consultation. Comments have been received raising a range of issues as summarised below:

- Potential obstruction of public rights of way
- Concern about the increasing number of homes and rate of development in Easingwold
- Infrastructure has not increased in pace with development no additional shops, garages, schools, doctors, dentists, no upgrades to roads.
- Wet and unstable ground conditions exist and query the need for large amounts of material to be brought in to provide suitable foundations
- Land is liable to flooding and the development will increase the risk of flooding
- Surface water drainage must be provided that can cope with the flows noting that the existing system results in flooding during heavy rain storms
- The increase in discharge rates from 4.9 litres per second to 176.1 litres per second is significant and more should be done to control the disposal rates. More needs to be done to control the overland flows from Back Lane and Highland Court before they result in flooding of Meadowsprings.
- Building will impact on the habitat of the diverse wildlife found on the site, hedgerows should be retained to protect wildlife habitat
- Traffic increases through Meadow Spring Way for the safety of existing residents very young and the old
- No vehicles should be allowed to use Kellbalk Lane track
- Trees particularly the large Oak should be protected
- Consideration should be given to the increasing use of Back Lane by pedestrians and the need to improve pedestrian safety
- Claims of an 90 year lease to provide land for dog walkers due to the rights of way and access that is afforded.
- Additional development will be likely to give rise to more dog fouling on neighbours gardens on Kellbalk Lane
- Boundary fencing to Highland Court and Orchard Close should be required to maintain security to those areas
- Close proximity of new dwellings to Orchard Close would compromise the boundary planting that is a characteristic of the site
- Side (west facing) windows would result in overlooking and a loss of privacy to dwellings on Orchard Close and should be obscurely glazed
- Suggest the inclusion of dormer bungalows with a bedroom at ground level

Additionally 6 responses received following re-notification after the 23 July 2015 Planning Committee.

- These responses restated concerns regarding the rate of growth of the town and additionally that the parking available in the town centre is unable to provide for the growing elderly and disabled population who seek (or need) to park close to the town sent. Similarly that the junctions of Crabmill Lane Leasmires Avenue and Tylers Walk are overstretched.
- A small park and ride to cater for York commuters who park in Easingwold should be provided.
- The making of a TPO is supported but more trees should be protected and the hedges retained and open space retained. Loss of open space and new dwellings will intensify the amount of dog fouling around the paths of Kellbalk Lane.

- Research has shown that Kellbalk Lane is a Roman Road and should be protected.
- The new housing will block out light to the dwellings on Kellbalk Lane.
- Objection to the formation of an emergency link on to Oxenby Place as it has not been requested by the emergency services and will cut through the ancient historic path on Kell Balk.

5.0 OBSERVATIONS

5.1 The site is allocated for housing development and as noted previously the proposal straddles two areas of allocation EH2 and EH3. The phasing requirements of the LDF at CP7 were relaxed by resolution of Council in December 2013. The proposals for the site are not premature. The concerns of the Easingwold Town Council relating, amongst other things, to the capacity of the social infrastructure, are matters for the infrastructure providers, these are not matters that should delay a development of a site that has been allocated for residential development since 2010 for development in the period 2016 to 2026, noting that no completions of new dwellings will take place before 2016 there would be no breach of the policy. There are a series of requirements of the allocation and these are discussed separately below. Therefore, the main issues in the consideration of this application are:

- Drainage;
- The density of development;
- Housing need, affordable housing and housing type;
- Access and traffic issues;
- Provision of open space within the site, suitably linked to existing and proposed footpath routes;
- Contributions towards off-site infrastructure, including cycle and footpath links and if required drainage and sewerage infrastructure, additional school places and local health care;
- Trees, hedgerows and ecology;
- Design; and
- Landscape impact.

Drainage

- 5.2 As a result of consultation, and in common with other development proposals in the south and east of Easingwold, drainage is a very substantial issue of concern to all involved. The provision of a drainage system that is capable of accommodating foul water and surface water flows from the site whilst also dealing with issues of flooding is critical to the acceptability of this proposal.
- 5.3 Reports have been supplied by the developer to explain the means of providing foul sewage disposal and the measures proposed have not resulted in any objection from Yorkshire Water or the Environment Agency.
- 5.4 The surface water disposal arrangements propose to retain water on site in a piped system during periods of high flow rates for release into the system when flow rates are reduced, an approach indicated in Yorkshire water's consultation response.
- 5.5 Overland flow of water during high intensity rainfall is reported by neighbours to the site. The water is recorded to flow from Back Lane on to Highland Court where the existing systems appear incapable of accommodating the flows such that water then runs between properties and onto the open ground to the north of Meadow Springs Way. Concern has been raised that if no improvements are made to the off-site surface water drainage system this could result in flooding of the new homes to the

north of Meadow Springs Way and by changing the conditions of the land that overland flow could then affect properties on Meadow Springs Way and Hopwith Close.

5.6 Whilst dealing with pre-existing drainage problems is not the responsibility of the developer there is a requirement to ensure that the development does not give rise to additional flooding problems or transfer the impact of flood events from the open ground of the application site to the neighbouring dwellings.

5.7 The application includes a report that has considered the impact and advice by the agents (Alan Wood and Partners) states as follow:

“The new development will be protected from overland flow by the fact that the finished ground floor level of the properties will be a minimum of 150mm above the surrounding ground.

Should water run across the ground from off-site it will run to the lowest points first, and therefore the flow will follow the roads and footpaths which will be lower than the houses adjacent.

The site will have a surface water drainage system that is designed to a standard which Yorkshire Water will accept; Yorkshire Water will take on the responsibility for its operation, maintenance and management and the system will be designed and constructed to manage rainfall events up to the 1 in 100 year chance of occurrence, with an allowance for a 30% increase in intensity due to the impact of climate change over the next 100 years.

This makes the statistical chance of flooding less than 1%, and it is the highest standard that is expected of any new drainage system from a legal perspective.

Whilst the sewers will not be designed specifically to take overland flow, should it occur it will be intercepted by the new gullies and the system will deal with overland flow like it would deal with rainfall runoff from the site itself. The system can clearly not distinguish between flow caused by direct rainfall or overland flow from off-site: if there is capacity in the new system it will manage the flow.

The joint probability of having the peak 1 in 100 year (plus climate change) event occurring at the same time as overland flow is very low. With this in mind the proposed development layout, floor levels and drainage system affords a practicable and reasonable level of protection for the new residents and off-site third parties.”

5.8 A letter and dossier of details of flooding in the town has been prepared by Easingwold Town Council. The information has been supplied to the County and District Council and Yorkshire Water. Concern has been raised that construction works on the application site may change the way that the land drains and that this could cause flooding problems. This has also been addressed by the applicant's agents (Alan Wood and Partners) who respond:

“A drainage system on the site is an improvement compared to the existing situation: now the rainfall can run off the site at an uncontrolled rate and manner. If the site is waterlogged (and therefore rainfall is not absorbed by the land on the site and can runoff, like it does from a roof or road), there is nothing to protect the residents in the surrounding area from water coming towards them. With a developed site that has surface water drainage collecting and effectively impounding the water and having a controlled rate of discharge, the surrounding area is afforded a level of protection that does not currently exist.”

5.9 Yorkshire Water accepts that the attenuated surface water flows can be directed to its surface water sewer. It is considered that subject to planning conditions to require approval of the details of the drainage systems and to require the completion of those systems, and maintenance arrangements thereafter, the scheme is acceptable in this respect.

5.10 The Council's Corporate Facilities Manager has also given consideration to the range of information available on the drainage arrangements and the history of flooding including that prepared by Easingwold Town Council. He writes:-

"I have considered the issues surrounding the determination of planning application 14/02285/FUL, this includes an assessment of information provided by the applicant and associated with application, and I have spoken to Yorkshire Water Services representatives in their technical and planning teams. The present non-determination of the application is related to our understanding of how acceptable sewerage services can be provided to the proposed development.

My summary response is that the Council should grant the application.

The basis of my advice is that there is insufficient evidence available to Yorkshire Water Services, (our consultee in relation to sewerage services), of problems in the catchment of sufficient magnitude that would enable them to reasonably sustain an objection to the application. I would not advise the Council raising an objection on sewerage grounds"

5.11 Following the submission of further details of the drainage problems in Easingwold to Yorkshire Water on 30th October 2015, Yorkshire Water have again stated:

"We maintain our view that the planning application can be considered at the Planning Committee subject to the recommended conditions."

It is concluded that there is no reason to withhold a grant of planning permission on the basis of the drainage issues.

Density

5.12 The density of the scheme is lower than 40 dwellings per hectare, the approximate density identified in policies EH2 and EH3 and results in a lower number of dwellings than identified in those policies. The reduced density allows for an increased amount of open space around the site and is considered to add to the quality of the environment that can be achieved and is therefore an appropriate response to the policy requirements.

Housing need, affordable housing and housing type

5.13 The scheme proposes that 50% of the dwellings are provided as affordable housing units in accordance with Policy CP9. The proposal also accords with the allocation policy requirements to achieve 50%. The previously approved development off Oxenby Place also achieved 50% affordable housing (11 units) the allocations at EH2 and EH3 has achieved the requirement and together with the 58 units to be provided within this proposed will provide a total of 69 affordable homes in Easingwold. A planning obligation is under preparation to secure the occupation of the dwellings for people who have a local need for affordable housing.

- 5.14 The mix of sizes and types of dwellings has been influenced by advice from the Council's Housing and Planning Policy Manager. The mix achieves mainly 2 and 3 bedroom units in two storey dwellings and includes 5% bungalows. The applicant considers that this meets the requirements of the draft Size, Type and tenure of New Homes Supplementary Planning Document because they believe its 10% requirement only applies to market housing (i.e. 5% overall of a scheme with 50% affordable housing). That is not the intention of the draft SPD and no evidence has been provided to suggest that the accommodation needs and preferences of older people with the means to buy their own property differ significantly from the needs and preferences of those without. The details below show the need for housing suitable for older people.
- 5.15 All Hambleton's service centres have a particularly high percentage of older people or are identified places where older people want to live. This is comparatively high in Easingwold:

Area	% Households aged over 65
Hambleton	27%
Easingwold	36%
Rest of Sub Area	22%

- 5.16 Hambleton's population is ageing and at an increasing rate, with a considerably higher percentage of older people than other areas of the country and region (23% compared with 17% for England) and this is increasing year on year.
- 5.17 The 2011 North Yorkshire Strategic Housing Market Assessment found that 49% of older people currently living in Hambleton intend to move to smaller properties and 46% wanted a bungalow. This is more likely to apply to people in affordable housing in Easingwold because such housing comprises a comparatively large part of the stock within the town:

Tenure of Household Reference persons aged 65+

Area	Owned	Shared Ownership	Social Rented	Private Rented	Rent Free
Hambleton	76%	0%	15%	6%	2%
Easingwold	71%	1%	21%	5%	3%
Easingwold Sub Area	79%	0%	12%	6%	3%

There is a high level of older home owners who would have sufficient equity to buy a smaller property and would be unlikely to qualify for affordable housing because of the £60k ceiling (total income and /or assets) excludes many older people from registering on North Yorkshire's Homechoice.

- 5.18 The evidence supports the policy objective of providing more bungalows in all eligible housing schemes, regardless of tenure, and demonstrates that this is of particular concern in Easingwold. The "Size, Type and Tenure SPD" was adopted on 15 September 2015, although the application was made before the adoption of the SPD the policy requirements are set within the adopted LDF policy CP8 and DP13 and the NPPF. Whilst the need for affordable bungalows appears to be higher in Easingwold

than other parts of the district it is important that housing need is addressed in a consistent way. The offer of 10% bungalows is therefore very welcome and members are entitled to give this matter significant weight in their decision.

Access route and traffic assessment

- 5.19 The proposed vehicular access routes to the site accords with the Diagram EH2/EH3 in the Allocations DPD showing the main vehicular access from Crabmill Lane and Meadow Springs Way and emergency access from Oxenby Place.
- 5.20 Consideration has been given to the need to upgrade roads and junctions away from the site. The conclusion of NYCC Highways and the applicant's consultant is that there is no need for upgrades beyond the frontage of the site.
- 5.21 An emergency access route is shown linking the development to the north of Meadow Springs Way to Oxenby Place and subject to additional details relating to the crossing of land outside the site the provision of a link can be made a condition of approval. The Highway Authority have also expressed a view that the Crabmill Lane site should also have an emergency link road but acknowledge that if this cannot be achieved a widening of the carriageway may be an appropriate alternative. Amended drawings have been submitted on 14 July 2015 showing a widening of the spine road from Crabmill Lane. The final response from the Highway Authority is awaited.

Open space within the site and links to existing and proposed footpath routes

- 5.22 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards set out in the policy (further explained in the Open space, sport and recreation Supplementary Planning Document of February 2011).
- 5.23 The policy identifies 5 different types of open space and requires assessment of the level of need by each of the 5 types before calculating how much should be provided on site and then establishing the level of facilities to be provided off site and the calculation of the level of contribution and arrangements for on-going maintenance.
- 5.24 The SPD guides that a development of 116 homes should provide on-site facilities for amenity green space, play areas for children, facilities for young people and teenagers and may require allotments. The open space audit for Easingwold shows that there is no shortfall of space for young people and teenagers facilities but improvements to quality may be necessary, there is not shortfall in allotment provision and so the priority to provide allotments is reduced. The SPD guides that a scheme of 116 dwellings is too small to make on-site provision of outdoor sports facilities appropriate.
- 5.25 The development can be anticipated to give rise to a population of about 275 people (116 dwellings x standard occupancy of 2.37 people per dwelling).
- 5.26 The proposal shows that a total of about 5,700 sq. m of open space within the 3.47 hectare site. The open space shown is suitable as amenity green space and could accommodate play areas for children. Some of the 5,700 sq. m is occupied by trees (some subject to Tree Preservation Orders) and hedgerows within the site and make both a contribution towards the maintenance of the landscape of the town and site as well as providing amenity space.
- 5.27 No details are currently shown of equipped children's play space, but this and the requirement for ongoing management can be sought by means of a planning condition.

- 5.28 The layout of the site shows that suitable links can be provided to the existing network of paths to enable walking as a sustainable means of travel within the town as well as an amenity to the area.

Contributions towards off-site infrastructure

- 5.29 The allocations document refers to contribution to a range of infrastructure and more recently the Council has identified and prioritised infrastructure projects through the adoption of the Community Infrastructure Levy (CIL). The site provides links to the existing footpath network. There are no dedicated cycle track links within the vicinity of the site and no proposals for creation of cycle tracks that require funding have been notified.
- 5.30 The scheme requires additional drainage infrastructure as noted above.
- 5.31 The provision of funding towards additional school places falls within CIL and is on the Regulation 123 List, no further funding can be sought via planning obligation as this would result in doubling the contribution made by the developer.

Trees, hedgerows and ecology

- 5.33 The tree survey submitted with the application identifies the condition of each of the trees within and around the site. A Tree Preservation Order has been made in respect of all of the trees that are identified to be the highest quality.
- 5.34 Additionally there are 17 hedgerows within the site that have been assessed for their importance in the context of the Hedgerow Regulations 1997 and for their value as a hedgerow network with regard to the mix of species present, as wildlife corridors and supporting faunal groups.
- 5.35 The survey work (29 April 2015) and report by Brooks Ecological found that one hedgerow was important under the terms of the Hedgerow Regulations and noted that this hedgerow is retained as part of the scheme. Hedgerow 3 lies on the eastern boundary of the site running for 62 metres northwards from Crabmill Lane, it is important (by virtue of containing at least 5 woody species and at least 3 associated features). 5 other hedgerows (hedges 4, 6, 6A, 12 and 13 (combined length 357 metres)) fall just short of definition as important under the Regulations.
- 5.36 The UK Biodiversity Action Plan identifies hedgerows as a Priority Habitat and one of the aims of the plan is for no net loss of hedgerow and Brooks Ecological advocate that where possible hedgerows should be retained and loss resulting from the development should be compensated through new planting and gapping up of retained hedgerows (particularly hedge 15). Brooks Ecological find that there is potential with suitable mitigation and long term management to create a greater length of high value hedgerow and to maintain wildlife corridor function of the network.
- 5.37 Brooks Ecological recommend that adequate protection should be installed during construction to ensure no detrimental effect on hedgerow 3.
- 5.38 A protected species survey has been undertaken. An inspection of the trees that are proposed to be felled has been undertaken and concludes that none of the trees are used as bat roosts.
- 5.39 There is scope to safeguard the bio-diversity of the site by protecting areas during construction phases and by careful design of a soft and hard landscaping. Both these aspects can be secured by planning condition.

Design

- 5.40 The site has a series of different characters, from the higher density of the housing on Kellbalk Lane set off from the site by the tree lined Kellbalk Lane, the lower density housing areas on Crabmill Lane, Highland Court and Orchard Close and finally the countryside edge to the east of the site.
- 5.41 The layout of the housing on the site has varying levels of density with the use of detached dwellings on the south edge facing Crabmill Lane and facing the central open space with a mix of detached, semi-detached and terraces of three units across the site.
- 5.42 Fifteen house types are proposed, including some bungalows and some in two-storey form with a third floor in the roof space. Most dwellings are 2 storey (78 of the 116 proposed).
- 5.43 The layout of the dwellings provides an appropriate legible street running north-south with secondary cul-de-sac arrangements and developments facing on to the open space areas. The scheme has evolved following input from consultees and advice from officers of the Council to a point where it is considered that the scheme achieves an acceptable quality of design.
- 5.44 The applicants undertook a pre-application community consultation event. Following that event a report was prepared that identified 10 issues to be addressed, one of these related to design and challenged the developer that the scheme proposed did not reflect the historic character of Easingwold. The resulting scheme is one of that uses design details doors and fenestration that do not reflect the history of Easingwold. The elevations of the dwellings are however reasonably varied and would provide an appropriate street scene that is not out of keeping with the varied character of the surrounding that include the modern terraces of Kellbalk Lane and varied character of the homes on Crabmill Lane. Overall the scheme is considered to meet the requirements of DP32.
- 5.45 Concern has been raised that the development may cause a loss of light to neighbouring dwellings on Kellbalk Lane. The distance between the proposed and existing dwellings is a minimum of 20.5m and the nearest window to window distance is 22m. The orientation of the dwellings is not 'square-on' but set at angles thereby reducing the potential impact. The separation distance between dwellings on Kellbalk Lane and the proposed dwellings is commonly in excess of 30 metres. The separation distances to all other boundaries achieve the 21m separation, a minimum standard that this and many Council has used for many years.

Landscape impact

- 5.46 The allocation sites are in a position that is not widely visible from public roads. The development proposals are made to enable the retention of the trees and hedgerows on the boundaries of the site. This would substantially reduce the visual impact of the development from views outside of the town and would enable the scheme without undue harm to the landscape.

Conclusion

- 5.47 The site is allocated for residential development and the proposed scheme has shown to achieve the requirements of the allocation document. Whilst there are concerns relating to the matters of drainage these can be addressed by condition and the issues relating to the capacity of healthcare and other social infrastructure in the

town do not justify withholding planning permission for an otherwise acceptable development. The scheme will provide both 10% bungalows and 50% affordable housing. Taking in to account all the matters raised by consultees and those making representations the planning balance falls in favour of approval.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations and the completion of a Planning Obligation to secure an appropriate affordable housing content, the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. No development shall commence on site other than investigative works or the depositing of material on the site until a detailed scheme(s) of highway construction and related works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken and maintained in full compliance with the approved drawings and details, including the programme of work, unless otherwise approved in writing by the Local Planning Authority. (The minimum requirements of the scheme(s) likely to be necessary to meet this condition are set out in Informative 1 to this decision.)
4. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base course 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 with the Local Planning Authority before the first dwelling of the development is occupied.
5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garages on plots 1, 17, 43, 44, 45, 52, 53, 80, 88, 94 and 95 shall not be converted into habitable accommodation and shall be kept available for the parking of vehicles.
6. 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.
7. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees and hedges which are to be felled or retained together with the positions, height and design of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. The development shall not be commenced until tree and hedge guards, at least 1.5

metres high, have been erected on the perimeter of the branch spread of trees and hedgerows (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.

8. No dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling or between that dwelling and the boundary of the site or areas of open space have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
9. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure to that dwelling have been constructed in accordance with the details approved in accordance with drawing number 686/001 Rev D, or any amended version or additional detail that has been approved by the Local Planning Authority. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
10. No development above ground shall commence until details that show how 'Secured by Design' principles have been incorporated into the scheme have been submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works. Surface water discharge to public sewer shall not exceed 5 litres a second and the submitted details shall include the means by which this attenuation rate will be achieved. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved surface drainage works.
12. The development shall not begin until arrangements (including a timetable for implementation and management plan) for the provision of on-site amenity space, children's play and young people's facilities have been submitted to and approved in writing by the Local Planning Authority. The on-site amenity space, children's play and young people's facilities shall be provided in accordance with the approved arrangements and the future management transferred to a management company to be managed in perpetuity.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In accordance with Policy CP1, CP2, DP3 and DP4 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
4. In accordance with Policy CP1, CP2, DP3 and DP4 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
5. In accordance with Policy CP1 and DP1 and 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.
6. In accordance with Policy CP1 and to protect pedestrians and other highway users.
7. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. To protect the amenity of the residents and their neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings and to provide security to the new dwellings.
10. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
11. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with the LDF policies CP1, CP21 and DP6.
12. To ensure that the on-site amenity space is provided and maintained in accordance with the provisions of the LDF Policies CP19 and DP37.

Attention is drawn to the following Informatives:

1. The minimum works required to be submitted in pursuit of condition 3 are as follows:
 - 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 including measures to give clear visibility of 45m measured along both channel lines of the major road Crabmill Lane from a point measured 2.4m down the centre line of the access road, and pedestrian visibility splays giving visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. (In both cases the eye height will be 1.05 and the object

height shall be 0.5m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.);

- the proposed buildings and site layout, including levels; accesses and driveways including initial site access; drainage and sewerage system including measures to prevent surface water discharging on to the highway; lining and signing; traffic calming measures; and all types of surfacing (including tactiles), kerbing and edging.
- 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; and 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, cycle ways 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; and typical drainage construction details.
 - d. Details to prevent the deposit of mud and other debris on the public highway during construction and details of the timing and routing of construction traffic that exceeds 7.5 tonnes in weight and site compound, staff and visitor parking layout and all other matters relating to construction site management.
 - 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 including any repairs to the highways over which access is taken.