

**Parish: Carlton Miniott**

Ward: Thirsk

**2**

Committee Date: 31 March 2016

Officer dealing: Mr A Cunningham

Target Date: 10 December 2015

**15/01625/OUT**

**Outline planning application for construction of up to 20 dwellings with all matters reserved**

**at Land north of Rydal Close, Carlton Miniott  
for CJ Leonard & Sons**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site extends to around 0.82ha and is located beyond the north eastern limit of the village of Carlton Miniott, to the immediate west of Thirsk and directly west of the East Coast Main Line railway. The site lies outside of the Development Limits of Carlton Miniott defined in LDF Policy CP4.
- 1.2 Although this is an outline planning application with all matters are reserved for later approval the red line boundary plan only provides for one means of access to the site. Vehicular access to the site is proposed from the northern end of Ripon Way, turns east, crosses a private track before entering the site at its north western corner. Public rights of way run along the eastern boundary of the site adjacent to the railway line and to the north of the proposed development.
- 1.3 The site is bound by a belt of trees to the east. An access track sits to the west of the development site. This track which is slightly elevated above the application site extends from Carlton Road to the south and serves a scrap yard to the north of the application site. The western boundary of this access track is formed of established hedgerow.
- 1.4 The development site is currently grassland. It is positioned in Flood Zone 1.
- 1.5 In their supporting statement the applicant states: "The threshold for Thirsk sub area requires 40% affordable housing and it is envisaged that these matters will be dealt with through a Section 106 agreement". An affordable housing statement confirms that the proposal "will provide 40% affordable dwellings (subject to any changes in national planning policy and viability considerations)." The affordable housing statement also confirms that the affordable dwellings will be secured through a S106 Agreement.
- 1.6 The following documents have been provided in support of this application: Affordable Housing Statement, Statement of Community Involvement, Habitat Survey, Planning Statement and a Noise Assessment.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/92/025/0128A - outline application for the construction of a dwelling; Refused 1993.
- 2.2 08/00473/OUT - Application for outline planning approval for residential development; Refused 2008.

This application related to the eastern portion of site and was refused for the following reason: The proposed residential development would be contrary to Policies CP1 and CP2 of Hambleton Local Development Framework by virtue of the increased use of the substandard access resulting in unacceptable highway safety problems.

### **3.0 NATIONAL AND LOCAL POLICY**

#### 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP5 - The scale of new housing  
Core Strategy Policy CP5A - The scale of new housing by sub-area  
Core Strategy Policy CP6 - Distribution of housing  
Core Strategy Policy CP7 - Phasing of housing  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP20 - Design and the reduction of crime  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP5 - Community facilities  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP39 - Recreational links  
Development Policies DP43 - Flooding and floodplains  
Development Policies DP44 – Very noisy activities

Affordable Housing - Supplementary Planning Guidance - June 2008

Supplementary Planning Document - Open Space, Sport and Recreation - Adopted 22 February 2011

Sustainable Development - Supplementary Planning Document - Adopted 7 April 2015

Hambleton Biodiversity Action Plan

Interim Guidance Note - adopted by Council on 7th April 2015

National Planning Policy Framework

### **4.0 CONSULTATIONS**

#### 4.1 Parish Council - Wish to see application refused on these grounds:

- The area is not included within the LDF for development;
- The village infrastructure cannot take another housing estate;
- The local Primary School at capacity and suffers major traffic issues;
- Highway safety at the roundabout junction of Ripon Way and the A61; and

- Impact on wildlife.

4.2 Highway Authority - comment: to the north of the site is the Junction Works, an existing recycling business, served by a private road. The proposed estate road to serve this development would cross this private road. It is unclear how the existing traffic associated with the business would be accommodated safely within the development. The applicant should submit details showing how the private road will continue to operate, including measures to prevent it becoming a "short-cut" route for vehicles from the proposed development.

4.3 Environmental Health officer - I have given consideration to the above application and cannot support the proposal based upon the information that has been provided. Whilst the acoustic report makes reference to noise levels and mitigation measures there is insufficient detail provided by the applicant for environmental health service to determine whether or not occupants of the proposed dwellings will be adversely affected due to proximity of the buildings to the railway line.

Initially the EHO provided a model condition to be attached to any approval, requiring noise limits as described in the World Health Organisation documents and as set out in BS8233:1999. On further consideration the EHO has confirmed that further investigation will be required to establish, to a reasonable level of confidence, whether those standards could be met.

4.4 Yorkshire Water - conditions recommended regarding separate drainage systems and implementation of drainage. Comment: (1) In order to minimise the risk of any loss of amenity, industry standards recommend that habitable buildings should not be located within 15 (fifteen) metres of the existing Sewerage Pumping Station. (2) The developer should thoroughly investigate surface water disposal via infiltration or watercourse. (3) SUDS are encouraged. (4) A water supply can be provided to the site.

4.5 Environmental Health Scientific Officer - The applicant has not submitted any information regarding the potential for contamination or whether the land is suitable for use. I would recommend the applicant submits, as a minimum, a Phase 1 Preliminary Risk Assessment (including desk study, site walkover and conceptual site model) prior to determination (please see attached guidance). If not provided then I would recommend a contaminated land condition be attached.

4.6 Ramblers Association - no objection to the scheme. Comments: (1) the site at the moment is used by the neighbourhood as a recreation area - can the remaining northern field area ambient to the public footpath be designated to a similar junction (2) the ownership of the SE corner of the site is not known, It is used as a turning area necessary to cars parked by residents of Railway Cottages (3) a narrow footway between the estate and the public footpath would be useful at this SE point.

4.7 Network Rail - no objection to the development, list requirements relating to drainage, fail safe use of crane and plant, excavations/earthworks, security of mutual boundary, fencing, method statements/fail safe/possessions, mandatory contact with the Asset Protection Project Manager, vibro-impact machinery, encroachment, noise/soundproofing, trees/shrubs/landscaping, lighting, access to railway. Note that drainage, boundary fencing, method statements, soundproofing, lighting and landscaping should be subject of conditions.

4.9 NYCC Footpaths - 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. Applicants are advised to contact the County Council's Access and Public Rights of Way team 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.

4.10 Public Consultation: Neighbours were notified by letters and site notices; 32 objections have been received in summary concerning:

1. 5 year land supply
2. non-compliance with Interim Planning Guidance
3. use of existing access to scrap yard
4. configuration of access over private track
5. methodology for conducting Phase 1 Survey
6. impact on development by the East Coast Main Line
7. traffic increases on site and in the vicinity
8. highway safety
9. need for additional housing
10. loss of recreation land
11. loss of light
12. loss of privacy
13. noise pollution
14. environmental destruction
15. loss of greenbelt land
16. flooding on site and increased likelihood of flooding off site
17. town and village amenities and school already at capacity
18. stress and disturbance of development detrimental to health and wellbeing of existing occupiers
19. congestion on Ripon Way
20. impact on character of village
21. inadequate road system
22. public transport unable to cope
23. impact on overlooking
24. sewerage treatment works unable to cope
25. coalescence of settlement with Thirsk
26. suitability of Ripon Way/A61 junction, and Ripon Way as an access
27. impact on the full time operation of the adjacent scrap yard
28. amenity issues associated with development near to the adjacent scrapyards
29. impact on drainage system
30. impact of increased traffic on children's play safety
31. type and size of dwellings and compatibility with adjacent property
32. protected species in field
33. contrary to local plan
34. sets future precedent
35. impact on local character/setting
36. lack of amenities and infrastructure in Thirsk to support this development
37. need for Environmental Impact Assessment

## **5.0 OBSERVATIONS**

5.1 The main issues to consider in the determination of this application relate to:

- (a) The principle, scale and distribution of development
- (b) Housing mix, type and tenure
- (c) Public Open Space
- (d) Education
- (e) Highways issues
- (f) Drainage and flood risk
- (g) Design and layout
- (h) Sustainable construction
- (i) Landscape and visual impact

- (j) Trees and ecology
- (k) Archaeology
- (l) Infrastructure and services
- (m) Community engagement
- (n) Residential amenity

### **Principle, scale and distribution of development**

- 5.2 The site is positioned outside of the development limits of Carlton Miniott. Carlton Miniott is classed as a service village in the sustainable settlement hierarchy outlined in policy CP4 of the Hambleton Local Development Framework. Consequently the development will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, which relate to sustainable development and minimising the need to travel, and where a number of exceptional circumstances can be met. These are:
- (i) it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
  - (ii) it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
  - (iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
  - (iv) it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
  - (v) it would make provision for renewable energy generation, of a scale and design appropriate to its location; or
  - (vi) it would support the social and economic regeneration of rural areas.
- 5.3 The proposal is not for any of the purposes listed in criterion (i). The environment is not in requirement of improvement nor does it contain a feature of acknowledged importance as at (ii). The exception allowed by criterion (iii) is applied to schemes comprising 100% affordable housing and the proposal is not such a scheme. No buildings are being proposed to be reused as at (iv), and points (v) and (vi) are not relevant to this proposal.
- 5.4 Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.5 The NPPF identifies some special circumstances that are consistent with those set

out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

- 5.6 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.7 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies."
- 5.8 The IPG is clear on what it considers to be "small scale". It states: "small scale development adjacent to the main built form of a settlement will only be supported where it results in incremental and organic growth. As a guide, small scale would normally be considered to comprise up to 5 dwellings. However each development must be considered on its own merits taking into account the scale and unique character and appearance of the settlement".
- 5.9 It is acknowledged that Carlton Miniott is one of the larger service villages contained within the settlement hierarchy and consequently its larger scale needs to be considered in the context of assessing whether the development proposed is "small scale". It does however have to be borne in mind that Carlton Miniott comprises two dissected forms to its settlement which impact the way in which "scale" of development is interpreted. Carlton Miniott (West) contains 101 properties, and Carlton Miniott (East) contains 303 properties. This would suggest that a development of more than 5 dwellings could be accommodated. However, the submitted details confirm that the proposed maximum of 20 dwellings would not constitute incremental and organic growth. Consequently the level of development being proposed does not fall within the type of development which can be supported by the IPG.
- 5.10 The principle of the proposed development is not therefore considered acceptable.

#### **Housing Mix, Type and Tenure**

- 5.11 This outline planning application is for all matters reserved, however the indicative layout plan does show affordable housing to be positioned to the west of the site. The applicant's affordable housing statement has recognised the policy requirement of CP9 that housing developments of more than 15 dwellings in the service centres and

2 or more dwellings elsewhere must make provision for affordable housing. The threshold for the Thirsk sub area requires 40% affordable housing. The applicant has demonstrated a willingness to provide 40% affordable dwellings (subject to any changes in national planning policy and viability considerations). The applicant advises: "The affordable dwellings will be secured through a S106 Agreement that will accompany any planning approval for this scheme, the detailed matters of which will be subject to future discussions".

- 5.12 This level of affordable housing is supported. The preferred registered provider plus the size, type, tenure and location of the affordable homes would need to be agreed at the reserved matters stage if outline permission is granted. The tenure should comprise a mixture of social rented and intermediate tenure (to be agreed) and the homes should be 'pepper-potted' throughout the development in clusters of no more than 8 dwellings (i.e. in at least two areas of the site). The minimum size and transfer price of these homes would need to accord with the schedule contained in the Council's Affordable Housing - Supplementary Planning Document (SPD).

### **Public Open Space**

- 5.13 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.14 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document (Open Space SPD) identifies that developments of between 10 and 79 dwellings should make provision for amenity green space and play areas for children on site. In addition, off-site contributions will normally also be sought to ensure Policy DP37 Standards are met, because the Council's evidence base indicates significant shortfalls in the amount of Public Open Space in all sub areas (see paragraph 4.12 of the Open Space SPD).
- 5.15 The illustrative layout plan does not include any areas of Public Open Space (POS) to serve the residential development. It is acknowledged that details of the layout of the site are reserved matters and the level of contribution towards improving off-site provision elsewhere can be secured by a Planning Obligation. The formula would be based on Table 3 and Table 7 contained within the Open Space SPD. As the mix of dwelling numbers and sizes is yet to be decided any contribution would be based on a formula taking into account the maximum specified 20 dwellings, the district's average household size of 2.37, any on-site provision, and an allowance for a reduced dwelling number at the reserved matters stage.

### **Education**

- 5.16 The site lies within the catchment of Carlton Miniott Primary School. A response from NYCC Children and Young Peoples Service is awaited to inform a decision on the available capacity at the Primary School. Provided that it is possible to extend the facilities at the school a current shortfall on provision would not necessarily justify objection to the scheme. Contributions towards the extension of school capacity can be achieved by using funds achieved through CIL. Subject to confirmation from the NYCC C&YPS it is considered that the scheme complies with the requirements of Policy DP6.

### **Highways issues**

- 5.17 No transport statement has been provided in support of this application. Policy DP4 of the Hambleton Local Development Framework sets out that development

proposals must ensure that safe and easy access is available to all potential users regardless of disability, age or gender and supports the requirements of CP1 and CP2 relating to the safety of the population and reducing the reliance on the private car.

- 5.18 The local highway authority has raised concerns regarding the crossing of the access track to the Junction Works scrap yard. No details have been forthcoming from the applicant to suggest how the interaction of vehicles and pedestrians with this track would occur. No details have also been provided by the applicant to address the suitability of the junction of Ripon Way with the A61 (Carlton Road). In the absence of details to indicate to the contrary it is not possible to conclude that safe and easy access would be available and the scheme is therefore not compliant with Policies CP1, DP3 and DP4.

### **Drainage and Flood Risk**

- 5.19 Policy DP43 of adopted the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.20 The site is within Flood Zone 1, an area with low flood risk, and is outside the flood envelope of all other identified sources of flood potential and records that residential development within Flood Zone 1 does not need to be subjected to the Sequential Test set out in the NPPF.
- 5.21 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.22 Yorkshire Water has not raised an objection to the development but note the required separation distance of any proposed dwelling in relation to their Sewerage Pumping Station apparatus on amenity grounds. This matter would inform the site layout at the reserved matters stage. Local representations have referred to the ground conditions and potential for localised flooding on site. A response from the Council's Drainage Engineer has advised that additional detail is required to understand the site characteristics and potential for on-site mitigation measures and the off-site impacts on drainage infrastructure. No additional detail has been supplied in support of the application in respect of the disposal of surface water. The response of Yorkshire Water is that alternatives to the use of the public sewer should be thoroughly investigated. No details have been supplied in respect of highway drainage. Any SuDs details that are provided would also need to be approved by the Local Lead Flood Authority (LLFA). In the absence of details to show to the contrary it is considered that the development of the site may cause localised flooding of gardens on the site and potentially to neighbouring properties.

### **Design and layout**

- 5.23 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.



- 5.24 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.25 Notwithstanding the need for future reserved matters applications, an indicative masterplan has been submitted with the application and shows a development of 20 dwellings. The layout is constrained by the access point and relationship of properties to neighbouring dwellings and the railway to the west, the requirement to provide on-site public open space and SuDs.
- 5.26 The site is recorded on the application forms to be 0.82 hectares (by measurement about 0.7 hectares of developable area once the access road to the north of 54 Ripon Way is excluded). If 20 dwelling were approved this would result in a density of about 28 dwellings per hectare. Given the constraints noted above and the need to provide Public Open Space and potential requirement for SuDs features this may result in a relatively high density of dwellings. It is noted that Rydal Close has a density of about 25 dwellings per hectare but also note that Rydal Close is a bungalow development. On a bungalow layout the separation distances are not expected to be so great and the number of bedrooms in Rydal Close will be lower than expected in the proposed scheme. These constraints and the requirement for a design for the crossing over the existing access track to the Junction Works, and the lack of on-site POS also indicate that the development would be cramped.
- 5.27 The safeguarding of the residential amenity for properties adjoining the application site would need to be revisited by the applicant after they have included an acceptable level of POS into the site's design, and improved landscaping and clarification over the boundary treatment with the interface of the site to the open agricultural land to the north. These factors could be overcome by the design and layout of the dwellings at the reserved matters stage and as such there is no overarching objection to the development on these grounds.

### **Sustainable construction**

- 5.28 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.29 In the event that the Council was minded to grant planning permission, a suitably worded condition could be imposed to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies.

### **Landscape and visual impact**

- 5.30 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.31 The site is 'countryside' it has residential areas to the south and west. The character of the site is defined by the open grassland, public rights of way and the tree belt to the railway line and adjacent residential estates. Whilst views from the neighbouring properties will be affected by the development the impact would not be so substantial

or adverse to justify a refusal of planning permission. The loss of view over an open field is not a material planning consideration.

### **Trees and ecology**

- 5.32 A Phase 1 Habitat Survey has been produced by Delta-Simons Environmental Consultants Ltd. The survey was undertaken on 6th May 2015. Habitats and the potential of the Site for protected species were assessed during the Extended Phase 1 Habitat Survey.
- 5.33 The report states that the site is characterised by an area of poor semi-improved grassland with short lengths of hedgerow, a large area of scattered scrub and scattered trees along the north-western and south-eastern boundaries. A small section of woodland is situated within the north eastern area of the site. There is a combination of fencing types along the southern and south-western boundaries. To the north and north-west of the site lie semi-improved grassland fields, with the field to the north a continuation of the field which comprises the site.
- 5.34 The survey report comprises 5 recommendations relating to nesting birds, great crested newts, bats, reptiles, and enhancement of the site, these could be the subject of a planning condition if permission is granted.

### **Archaeology**

- 5.35 Paragraph 128 of the NPPF states that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."
- 5.36 No assessment has been submitted with the application. There are no known issues relating to archaeology.

### **Infrastructure and services**

- 5.37 Policy DP5 of the Development Policies DPD on community facilities advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services. The statutory consultees have not raised an objection that would mean that the development would have an adverse impact on community facilities. Reference is made to the Education needs in paragraph 5.16 above.

### **Community engagement**

#### **Public Consultation**

- 5.38 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 66 of the NPPF.
- 5.39 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new

development should be looked on more favourably.

- 5.40 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. In this case the applicants have undertaken pre-application engagement as sought by the NPPF and local policies. The application documents show how the process of engagement has shaped the proposals.

### **Five year land supply**

- 5.41 In response to the neighbour comments relating to the 5 year land supply it is recorded that the NPPF places emphasis on maintaining a 5 year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.
- 5.42 In order to calculate the current 5 year housing land requirement for Hambleton it is necessary to take the Objectively Assessed Need (OAN) of 274 dwellings per annum calculated in the January 2016 Strategic Housing Market Assessment (SHMA) as a starting point. The SHMA uses a base date of April 2014.
- 5.43 Over five years this produces a need for 1,370 dwellings ( $274 \times 5 = 1,370$ ). The numbers of dwellings completed in 2014/15 and 2015/16 have exceeded the OAN figure of 274 and therefore there has been no under-supply since the April 2014 base date so there is no backlog for the District to be added to this requirement.
- 5.44 In order to ensure choice and competition in the market it is prudent to add a further 5% buffer to the 5 years' OAN figure as required by the NPPF. 5% of 1,370 is 68, so taking these elements together the 5 year housing land supply requirement for the District is 1,438.
- 5.45 The Council has undertaken a robust survey of all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 5.46 This latest monitoring data shows a deliverable supply of 2,781 dwellings over the next five years. This exceeds the revised five year housing land requirement by 1,341 dwellings, and allows the Council to demonstrate a deliverable supply for the next 9.7 years.
- 5.47 It is acknowledged that national policy within NPPF paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and it could be argued that an additional 5% of the District's housing requirement would contribute towards the overall objectives of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits.
- 5.48 Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.49 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.

## **Other neighbour concerns**

- 5.50 The separation distances of the proposed residential development to the scrap yard to the north and East Coast Main Line are the subject of further study relating to noise as noted earlier in this report. The methodology contained with the habitat survey report at section 3 is considered acceptable. Whilst the land is currently used for recreation purposes, it is private land which is not designated as a public amenity. The reserved matters application stage would address impact on neighbour amenity considering light and privacy. Noise pollution by the development could be addressed by an hours of construction condition. The site is not part of a designated greenbelt. The settlement character and proposed development is such that there would not be a coalescence of settlements with Thirsk. The development does not fall into the category which would trigger the need for the submission of an Environmental Impact Assessment.

## **Residential amenity**

- 5.51 As noted in section 4 of this report the Environmental Health service have considered the potential level of noise that will affect residents of the new properties. The conclusion reached is that there is insufficient evidence available to demonstrate that the noise levels at dwellings and gardens will be acceptable. There is doubt over whether it will be possible through design measures to mitigate for the noise from adjacent noise sources. Taking a precautionary approach, in order to ensure that future residents do not suffer health effects from daytime and night time noise a recommendation of refusal is made this relates to the failure of the applicant to demonstrate that the target levels within the World Health Organisation and the British Standards can be met. Failure to achieve these base line standards would lead to a reasonable expectation that the scheme, a noise sensitive development in an area where potential for harmful noise level is known to exist, fails to achieve the policy requirements of LDF Policy CP21 and DP44.

## **Conclusion**

- 5.52 The proposal does not demonstrate an exceptional circumstance sufficient to align itself with the criteria set out in policy CP4 of the Hambleton Local Development Framework. Additionally the proposed development is of a scale that cannot draw support from the Interim Guidance Note in this location. The principle of development is therefore considered unacceptable. It is unclear how the access to the site would function from Rydal Way where it crosses the access track to Junction Works and in the absence of details to demonstrate to the contrary the scheme would not promote safe and easy access to all. The provision of housing on the site could at the reserved matters stage not harm the residential amenity of neighbouring residential property.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The site lies beyond the Development Limits of Carlton Miniott and in a location where development should only be permitted exceptionally. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, DP8, DP9 and CP6 and the aims and objectives of the National Planning

Policy Framework to deliver housing growth in a plan-led system. The proposed development is contrary the Hambleton Local Development Framework

2. In the absence of details to indicate to the contrary the cross-over of the access to the proposed residential development across the access track to Junction Works would give rise to an adverse impact on highway safety, contrary to policy CP1, DP3 and DP4 of the Hambleton Local Development Framework.
3. The proposal is for a noise sensitive development in an area where potential for harmful noise level is known to exist as the scheme fails to show that future residents will be protected from the adverse effect of noise the scheme fails requirements of Hambleton Local Development Framework Policies CP21 and DP44.