

15/02419/OUT

**Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses.
at Land adjacent and rear of Police Houses, York Road, Easingwold
for Jomast Developments.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The 3.2km hectares site lies on the south side of Easingwold beyond the current built up area of the market town. The land is low lying, generally flat and last in use for agriculture, bounded by hedgerows and trees and ditches except where it bounds on to the dwellings of the Old Police Houses where a variety of fences and planting form a means of enclosure to the gardens.
- 1.2 Access to the land is from the former A19, now a 'C' road. The site lies almost directly opposite the recent residential development by Persimmon Homes called Driffield Avenue.
- 1.3 Leasmires beck, a watercourse at the extreme eastern side of the site provides land drainage for the site as well as a means of surface water disposal for much of the eastern part of the town. It is proposed that the beck will continue to provide a drain for the site.
- 1.4 There are no notable trees within the site. Habitats of potential for nature conservation value exist to the north and east where trees and watercourse of Leasmires beck and ditches provide variety from the surrounding agricultural land use.
- 1.5 Outline planning permission is sought for the construction of up to 80 dwellings, a Use Class A1 convenience store (280 sqm gross), petrol filling station and Use Class D1 healthcare uses (480 sqm gross). The only matter of detail to be considered at this stage is access to the site. The matters of appearance, landscaping, layout and scale are reserved for later approval if outline permission is granted.
- 1.6 The application proposes to deliver up to 80 dwellings. The site is in total 3.2 hectares, excluding the areas for the proposed convenience store, petrol filling station, and healthcare uses; the remaining area is about 2.6 hectares, resulting in about 30 dwellings per hectare. The scheme is 50% of the units are to be affordable homes in accordance with Policy CP9 requirements, and 10% of the site would be bungalows that satisfy the 'Size, Type & Tenure' SPD. The supporting statement says that affordable dwellings would be pepper potted through the site.
- 1.7 There are no public rights of way in close proximity to the site. A new footway would need to be created along the site frontage with York Road. A single new access is proposed to be formed from York Road, from a point south of the boundary of the allocated land in Policy EM1, as per the previously approved application ref: 13/02183/OUT. The access details include a widening (on the east side of York Road) to provide a right turn lane into the site. A simple priority (T junction) is shown to access the site.
- 1.8 The site is within the Development Limits of Easingwold and is allocated under Policy EM1 in the Allocations DPD. The EM1 allocation relates to the land between

Stillington Road and York Road much of which has already been granted planning permission for residential developments and much of this has been completed. The part of the allocation relevant to this application site states

EM1 iv - "and B2/B8 uses (3.5ha) at the south of the site, accessed from York Road"

In addition to provision of any necessary improvements to the drainage system and provision of landscaping to the southern part of the site contributions are also to be sought relating to sports, cycling and footpath facilities, drainage and sewerage infrastructure, school places and local health care. It is noted that since the adoption of the policy and as a consequence of the adoption of the Community Infrastructure Levy (CIL) the policy has to be applied in accordance with the CIL regulations.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

Relating to the application site

- 2.1 13/02183/OUT – Outline application for the construction of a foodstore, petrol filling station, health uses, public open space, car parking and means of access; Granted 16 April 2014.

Relating to the remainder of Allocation EM1

- 2.2 11/01661/FUL - 93 dwellings, associated parking, highway works and public open space; Granted 21 June 2012.
- 2.3 13/02179/OUT - 48 dwellings; Granted 12 June 2014.
- 2.4 15/00175/REM - Reserved matters application of the construction of 48 dwellings and associated garages/parking; Granted 6 July 2015.

Relating to other land on York Road

- 2.5 12/01209/FUL - Construction of 44 dwellings with associated garages, parking and landscaping; Granted 30 July 2013 and implemented.
- 2.6 13/01413/FUL - Construction of 4 dwellings with associated garages and new vehicular access; Granted 24 December 2013 and implemented.
- 2.7 14/00630/FUL - Construction of 7 dwellings with associated garages and new private access road; Granted 25 September 2014 and implemented.
- 2.8 16/00411/OUT - Outline application with all matters reserved for the construction of 4 bungalows and associated garages; Pending determination.

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 CP3 - Community assets
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 CP8 - Type, size and tenure of housing

Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP10 - The scale and distribution of new employment development
 Core Strategy Policy CP10A - The scale of new employment development by sub-area
 Core Strategy Policy CP14 - Retail and town centre development
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP17 - Retention of employment sites
 Development Policies DP24 - Other retail (and non-retail commercial) issues
 Development Policies DP29 - Archaeology
 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 DP43 - Flooding and floodplains
 Allocations Document Policy EM1 - Mixed Use Stillington Road/York Road, Easingwold - adopted 21 December 2010
 Affordable Housing - Supplementary Planning Guidance - June 2008
 Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 National Planning Practice Guidance
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council - Wish to see the application refused. The Town Council wish to see the application considered through the democratic process via the new Local Plan when considering new sites for Easingwold. Easingwold cannot absorb any further developments beyond those currently planned for the following reasons: there is a need to improve the drainage infrastructure, increase classrooms in the Primary School, increase medical facilities, improve employment opportunities and address vehicle parking issues. Easingwold needs to consider conducting a strategic

plan for the future wellbeing of the Town and its residents. In addition, Easingwold Town Council does not support a convenience store as it will be detrimental to existing business. The Council supports the development of a petrol station

- 4.2 Highway Authority - No objection subject to conditions relating to highway construction details, visibility splays, access, turning and parking details, preventing mud on the highway and a highway condition survey. This recommendation supersedes the Local Highway Authority's previous recommendation dated 13/11/15. In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the proposed access arrangements, the level of traffic generated by the site and its effect on the local highway network. The Highway Authority would wish to be a party to an agreement securing a developer contribution of £40,000 to fund the travel plan for the site.
- 4.3 NYCC Children and Young People's Service - Identify that Easingwold Primary School has insufficient classroom and playing field space to cater for those children likely to be generated by consented schemes. Additional residential development will exacerbate the situation.

Easingwold Primary School currently has a net capacity of 315 places. The school's current total site area is 12,100m² and their current play area is 7,400 m². These areas are currently undersized. To meet statutory guidance there should be 14,894m² total site area and 13,022m² of play/open space.

Therefore, even for the current capacity, the playing field space is approximately 5,000m² short of the *BB103* area guidelines¹. The Jomast application would generate 20 primary children and to expand the school's net capacity proportionately would further increase the playing field shortfall, since the *BB103*¹ recommended area would also increase.

If all of the 747 known housing proposals are successful, 147 additional primary children would be generated. Once surplus spaces are taken out, the school's net capacity would need to increase to around 400 spaces. This would require, according to *BB103*¹, a total site area of 17,282m² and the playing field area would need to be 15,120m². This would leave the primary school with a shortfall of approximately 8,000m² of playing field space.

The school needs a piece of land in order to be able expand the school's capacity appropriately. Without it the residential development schemes will be unsustainable as it will not be possible to add the appropriate number of school places.

In addition, *Section 77²* of the *Schools Standards and Framework Act 1998*, which extends the requirement to ask for Secretary and State consent to dispose of school playing field, to now include consent required for change of use of "open space", e.g. building a classroom, would apply. It is unlikely that consent could be secured under *Section 77²* for constructing additional accommodation on the current playing field land (or on open land) in the context of an existing shortfall which would be exacerbated by the application.

Footnotes:

1. *Building Bulletin 103: Area Guidelines for Mainstream School* (BB103) is the Department for Education's statutory area guidelines for school buildings (Part A) and sites (Part B) for all ages from 3 to 19. The document was written in 2014 and updated on 4 March 2015.

BB103 supersedes the separate area guidelines for primary and secondary school in Building Bulletins 98 and 99, with reduced recommended areas. The minimum gross area in *BB103* averages 15% lower than recommended in *BB98* and 6% lower than *BB99*.

A link to the document is found at:

<https://www.gov.uk/government/publications/mainstream-schools-area-guidelines>

2. *Section 77 of the Schools Standards and Framework Act 1998* describes the main circumstances when relevant bodies need to seek the consent of the Secretary of State for Education to dispose, or change the use, of land used by schools, including playing fields. It extends the requirement to ask for Secretary of State consent to include change of use of playing field, eg extending the school building, when "playing field" is defined very broadly as any land in the open air, excluding school building and car parks.

A link to the document is found at:

<https://www.gov.uk/government/publications/protection-of-school-playing-fields-and-public-land-advice>

As there is substantial shortfall in the capacity of the school NYCC C&YPS objects

- 4.4 Yorkshire Water - No objections subject to conditions relating to foul and surface water drainage, sewer easements and water supply.

Company records indicate live water mains cross through the red line site boundary. The presence of the mains will affect the layout of the site and therefore consider it to be a material consideration in the determination of this application. It is recommended that no obstruction encroaches within 3 metres on either side of the mains i.e. protected strip widths of 6 metres.

On the Statutory Sewer Map, there is a 375mm diameter public foul water sewer and a 300mm diameter public surface water sewer recorded to cross/enter the site. The presence of the pipes may affect the layout of the site and as such may be a material consideration in the determination of the application. A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

The development of the site should take place with separate systems for foul and surface water drainage. Foul water domestic waste should discharge to the 375 mm diameter public foul sewer recorded in York Road, at a point immediately downstream of the site.

If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 litres per second.

If the ground level of a site or the level of any basement is below the ground level of the point of connection to a public sewer, the developer must take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having pumped discharges from the site and/or the installation of anti-flooding valves.

The Flood Risk Assessment (prepared by Billingham George & Partners - Report dated October 2015) confirms; Sub-soil conditions do not support the use of soakaways, owing to the high water table. The report confirms surface water disposal to Leasmires Beck, which is located adjacent the site. Restrictions on surface water disposal from the site may be imposed by other parties.

- 4.5 Kyle and Upper Ouse Internal Drainage Board - The application relates to work near and discharging into a watercourse within the Internal Drainage Board drainage district and requires consent from the IDB in addition to landowner agreements for works, access, easements and planning permissions.
- 4.6 Environmental Health Officer - Notes that this is an outline application with all matters reserved save for access, and as such I have no objection to the proposal. However, should the scheme be progressed I would wish to see details explaining how the amenity new and existing residential properties will be protected from any noise/odour associated with the petrol station and convenience store.
- 4.7 Natural England - No comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
- 4.8 North Yorkshire Police Architectural Liaison Officer - Has no objection in principle but makes a number of recommendations relating to secured by design certification of the scheme and matters that should be addressed at the detailed design stage and to address a series of security measures during construction.
- 4.9 Ministry of Defence - Has no safeguarding objections to the proposal.
- 4.10 Publicity - 14 individual objections have been received to date and are summarised as follows:
 - Existing drainage systems are unable to cope.
 - Residential properties suffer from the occasional surcharging of sewers.
 - No further development should take place until local infrastructure has been improved.
 - Dangerous and increased traffic movements close to Easingwold Secondary School.
 - Local roads are congested and were not designed to cope with the amount of traffic being generated by recent developments.
 - Development would have an adverse impact on existing shops and food outlets.
 - Existing services are overstretched, e.g. doctors, schools.
 - Residents in Easingwold are unable to attend a local dentist.
 - Detrimental to Easingwold's character.
 - Insufficient parking spaces will be provided for the commercial and community uses.
 - Neighbouring residents would experience a loss of amenity, particularly noise and air pollution.
 - Easingwold has a sufficient supply of convenience stores.
 - The existing land drainage system should not be removed and instead be culverted.
 - Surface water will flow onto neighbouring gardens. Residents have already suffered from water ingress.

- The proposed layout plan shows an out-dated layout for Clayhithe Mews.
- Landscaping buffer should be planted alongside Clayhithe Mews to mitigate loss of amenity.
- The Council's separation distances should be maintained.
- Opening hours and deliveries for the community facilities should be restricted.
- Public transport is already poor.
- Rural farming community is under threat by further development.
- No need for a larger food store in the town.
- People drive to York or Thirsk to meet their food shopping needs but a local convenience store is not the solution to tackling a lack of such facilities.
- A food store could be built on the parcel of land next to the southern roundabout on the bypass, along with parking and a petrol filling station.
- The land should be marketed for a longer period. Other mixed use proposals should also be explored.
- The site should be used to enhance long term economic growth, sustainability and prosperity of the town.
- A petrol filling station is needed but this would be too near to residential properties.
- Land should be used primarily to provide local employment opportunities for Easingwold.
- There should be a balance between new housing and corresponding provision of employment and shopping facilities. This balance is not being achieved.
- A new retaining wall should be constructed adjacent to the boundary with Police Houses in order to protect these properties.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application are matters relating to: (i) loss of employment land; (ii) housing supply and need; (iii) affordable housing; (iv) housing mix; (v) community and other facilities; (vi) design; (vii) flood risk and drainage; (viii) highway matters; (ix) residential amenity; (x) sustainable construction; (xi) ecology; and (xii) public open space.

Loss of employment land

- 5.2 As set out in section 1 of this report the site is allocated in the LDF for use for employment purposes. The background of a planning permission for a mixed use with a foodstore as the main feature with petrol filling station, health uses, public open space also approved is important in consideration of this scheme. Whilst the developer has not been able to secure an operator for the foodstore in approving that scheme there was an acceptance that the land could be used for purposes that are not traditional 'employment' uses (offices, research and development, industry and warehousing). It is worth noting that the foodstore was anticipated to create 194 jobs and was thus considered to provide employment in its own right. This application is supported by information that states that there is no need, in terms of planning policy, for the site to be retained for employment use and demonstrates the lack of success of efforts to find an operator for a foodstore.
- 5.3 Policy DP17 seeks to safeguard sites which are allocated for employment use for that purpose. The policy goes on to say that permission will not be granted unless
- i. The supply and variety of available alternative employment land is sufficient to meet District and local requirements; or
 - ii. Evidence can be provided that no suitable and viable alternative employment use can be found or is likely to be found in the foreseeable future; or

- iii. There would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or
 - iv. Economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises.
- 5.4 Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support local communities.
- 5.5 The application submission states that despite extensive marketing no viable demand has emerged for the development of B1/B2/B8 use or the approved food store. The applicant is now seeking permission for the construction of a convenience store and petrol station which will provide 280m² A1 retail use and 480m² D1 healthcare uses. However, the largest proportion of the site would be utilised for residential development. No statement is made regarding the number of jobs anticipated to arise from these proposals.
- 5.6 Evidence was provided by the applicant (in a study by Storeys Edward Symmons) in relation to the previous application for a food store to show that the loss of land for B2 and B8 uses would not harm the local economy. This evidence was considered in the light of studies undertaken for the Council and found to be valid.
- 5.7 The 2014 Employment Land Review of the District concluded that following the loss of allocated EM1 (following previous planning approval) there was an under supply of employment land within this functional economic area. An updated Employment Land report (produced by Lambert Smith Hampton 3rd February 2016) has been submitted in support of the application. The report says that despite extensive marketing no viable demand has emerged for the development of B1/B2/B8 use. However there is a lack of information within the application documents in terms of how long the site has been marketed, what the marketing strategy has involved and details of any offers which may have been made for the site. Given the lack of information on the marketing of the site it is considered on balance that there is insufficient information to demonstrate that there is no demand for the site for employment use.
- 5.8 The Lambert Smith Hampton (3rd Feb 2016) document concludes that there is 12.52 hectares of available employment land in the Easingwold Sub-Area. When measured against a take-up of 0.34ha per annum, this equates to 37-year supply. It is argued that this level of provision is more than required and the overall supply of available sites could be reduced without detrimental effect on prospects for economic development within the District or Sub-Area. When the availability of employment land is focussed on Easingwold town, the amount reduces to 5.06ha, with the application site accounting for nearly 60% of that (2.99ha). However, as the report lacks detail on the marketing efforts that have been made in respect of the site and that the implied supply of land for 37 years assumes take up rates will stay low and not return to the pre-recessionary levels, there are significant weaknesses in the assessment.
- 5.9 In terms of delivering the approved foodstore, a Marketing Report (produced by Westmark Estates Limited) shows that the applicant has marketed the site without success. The Applicant has approached all the major foodstore operators during the planning process and following the receipt of planning permission – these include:

Sainsburys, Asda, Morrisons, Tesco, Waitrose, Booths, Aldi, Lidl and Netto. The applicant has undertaken pro-active and direct marketing for over two years and it is clear from the evidence presented that there is no appetite for the consented scheme or a version thereof. Westmark Estates Limited have closely monitored the market and with the major large format operators in a state of flux and shelving expansion plans, combined with Easingwold's perceived low population levels and existing convenience store competition, it is considered to be highly unlikely the extant consent will provide suitable to any operator for the foreseeable future.

- 5.10 The foodstore Marketing Report substantiates the applicant's view that the national foodstore market has changed significantly over the course of the last three years predominately due to shifts in consumer behaviour. The growing trend for online retailing has led to consumers performing their main shop online and using smaller format stores for 'top-up' shopping. Shoppers are therefore moving away from the "big weekly shop" and are choosing to buy less more often.
- 5.11 The preference for smaller store formats is now reflected in the levels of new and proposed floor space which are reported to be at their lowest levels since the 'race for space' began at the beginning of the recession. The 'big four' (Asda, Morrison's, Sainsbury and Tesco) food store operators are all reportedly moving away from developing large format food stores in preference for the smaller concepts.
- 5.12 In conclusion, the proposal would reduce the supply of available (committed) employment land in the Easingwold Sub Area. Despite the expert reports submitted it is considered that there is a lack of evidence on marketing of the site for employment uses. The proposal therefore has not been shown to accords with the criterion of DP17 (relating to the retention of employment sites) and it is not possible to show that the test of paragraph 22 of the NPPF that "there is no reasonable prospect of a site being used for the allocated employment use" has been met.

Housing supply and need

- 5.13 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and in the National Planning Practice Guidance how these are expected to be applied. The NPPF replaces all the previous national planning policy guidance notes.
- 5.14 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through the planning system. For decision taking, this means approving development proposals that accord with the development plan without delay
- 5.15 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.
- 5.16 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.
- 5.17 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.

- 5.18 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.
- 5.19 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.
- 5.20 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.
- 5.21 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 large scale housing that is not allowed for by the Development Plan. Where such releases may be 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.
- 5.22 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.
- 5.23 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.
- 5.24 In light of the above consideration, the Council's 5-year supply position is not a reason to allow residential development of the site. Rather a decision should be based upon the benefits or dis-benefits of bringing this mixed-use site forward for development in a sustainable manner.

Affordable housing

- 5.25 Proposals for new housing sites of 15 or more dwellings within the development limits of Easingwold trigger an affordable housing contribution. This proposal is within the EM1 allocation site. If deemed acceptable for housing development the affordable housing target for the site would be 50%. Based on the scheme of 80 dwellings the developer would be required to provide 40 affordable homes. Tenure mix should be 70% rent and 30% intermediate tenure unless there is need evidence to support an alternative split which is supported by a Registered Provider. The affordable homes should be distributed across the site in clusters of no more than six to eight dwellings.
- 5.26 The applicant has confirmed that the scheme will satisfy the above requirements and to provide dwellings of a size and type that meets the details of the Policy CP9 and the Affordable Housing Supplementary Planning Documents is prepared to enter into a legal agreement with the Council to that end. The applicant has also confirmed that the affordable units will meet the nationally described space standards.

Housing mix

- 5.27 The Council is also concerned to ensure that all housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth.
- 5.28 There is evidence to support the following market mix on larger market sites across Hambleton: 10% two bedroom bungalows, 10% one bedroom, 35% two bedroom and 25% bedroom homes and 10-15% four bedroom houses.
- 5.29 The applicant has agreed to deliver 10% of the units as bungalows in accordance with the Size, Type and Tenure of New Homes Supplementary Planning Document adopted in September 2015. The applicant has agreed to review mix of market housing units at reserved matters (detailed design stage) should outline planning permission be granted to provide smaller homes (one or two bedroom houses) that will be more affordable to young couples and singles and first time buyers.

Community and other facilities

- 5.30 Policy DP5 of the adopted Development Policies DPD gives support to the provision and enhancement of community facilities, and to their retention, where these constitute important contributions to the quality of local community life and the maintenance of sustainable communities.
- 5.31 The proposal includes floor space for healthcare uses. The LDF policy requirements for EM1 make specification that the northern part of the land, fronting Stillington Road should include healthcare provision, although most of that area is now being developed for housing. No end user for the healthcare floor space has been defined and the extent of land or location of land required to meet the policy objective cannot be confirmed. However, the application makes provision of space within the site in a location that would be accessible to all those who can access the convenience store, close to new housing and the secondary school and may generate link trips between the petrol filling station (PFS), convenience store and healthcare uses.
- 5.32 The applicant notes that the Petrol Filling Station (PFS) is proposed in direct response to community consultation and would be of significant benefit from both a social and environmental perspective. The applicant is giving consideration to the means of securing the provision of a PFS as part of a planning obligation or by means of a planning condition(s).
- 5.33 There is no doubt that there has been a significant level of support from residents and businesses in the Easingwold area for a PFS in the town. Following the closure of 2 PFSs in the last 20 years there is only one garage on the north side of the town that has limited fuel facilities. The nearest facility is on the A19 southbound about 2.5 miles south of the town.
- 5.34 A 280sqm convenience store is proposed. Policy DP24 allows for new small scale retail developments outside of the Primary Retail Areas of the market towns where they are to serve neighbourhoods and residential areas unless they might jeopardise the vitality and viability of the Primary Retail Area of that market town. A threshold of 500sqm set out in Policy DP24, above which development would be considered to be a 'major shopping proposal' to be considered under Policy DP23.

- 5.35 No representations have been received that provide evidence that the provision of a food store at the site would cause harm the vitality or viability of the Primary Retail Area of the market town. Reference is made to the potential impact by increased competition with the Co-op and Costcutter stores on Long Street. However, both of these stores lie outside the Primary Retail Area and direct competition between traders is not a planning consideration. Accordingly it is considered that the principle of a convenience store of 280sqm would be acceptable under Policy DP24. Matters such as the design, including access arrangements, would be subject to scrutiny under a reserved matters application.
- 5.36 The NYCC Children and Young Peoples' Service (NYCC C&YPS) has objected to the proposed development of additional housing in Easingwold due to the impact upon educational infrastructure as noted in section 4 of this report.
- 5.37 The scheme of 80 dwellings is expected to result in 20 primary school age children attending Easingwold Primary School. As noted in the response from NYCC C&YPS as a consequence of new housing built and already approved the school will exceed its current capacity of 315 spaces in the academic year 2019-2020. The school already has a shortfall in playing field space.
- 5.38 The NYCC C&YPS or school could seek to secure additional land and construct additional classrooms but have not made applications for planning permission for either at this time. There can be no guarantee that the school would be able to extend its classroom facilities on to existing playing field land, which would need Secretary of State approval, and further no guarantee that this could be achieved in time for the additional pupil numbers forecast to attend as a consequence of this and other as yet unapproved housing developments.
- 5.39 The monitoring and modelling work that underpins the forecast of school pupil numbers results in variations over time. Policy DP6 'Utilities and infrastructure' requires that new development must be capable of being accommodated by the existing or planned services. It notes that:
- "Where improvements in off-site infrastructure are programmed, the timing of development must be co-ordinated with its provision. The provision of additional infrastructure will be permitted where this is consistent with the principles of sustainable development, including where such provision will have no adverse impact on the environment".
- 5.40 It has been suggested that a planning obligation could be used to ensure that the residential development is not occupied unless there is capacity for primary school pupils at the relevant primary school. However, that could place a developer in the unenviable position of being unable to sell completed dwellings and is therefore not practical. There is scope to identify and allocate education land in a new Local Plan to address the need for additional space for classrooms and playing fields. Considering that there is no need to strengthen housing supply, the longer-term approach through the Local Plan, in which new housing and infrastructure can be co-ordinated, is the only safe course.
- 5.41 The significant concerns of the ability to provide education facilities is an important matter that must be weighed in the planning balance of this application.

Design

- 5.42 Policy DP32 stipulates that "the design of all development 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."

- 5.43 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."
- 5.44 The applicant's stated vision for the site is to provide a distinctive and high quality place, which enhances the qualities and character of Easingwold. Creating a new, accessible local centre with a mix of commercial and healthcare uses is a key element of the proposals. Illustrative plans show how the site could be developed in terms of scale, layout and external appearance, whilst detailed plans have been submitted for the proposed means of access. The accompanying Design & Access Statement explains how the design concept evolved in response to comments provided at pre-application stage.
- 5.45 The applicant has confirmed that the design of the house types (mainly two-storey) would reflect the more traditional elements of Easingwold's built environment and the palette of materials would reflect the local vernacular and the proposal would be acceptable in this respect.
- 5.46 In terms of density, a minimum range is no longer quoted within planning policy. Nonetheless, local planning authorities should have regard to: the characteristics of the area; the desirability of achieving high quality, well-designed housing and the current and future level and capacity of infrastructure, services and facilities. The proposed scheme equates to a density of 25-30 dwellings per hectare, although it has not yet been determined how much land would be given over to healthcare, convenience store and PFS purposes, all of which could impact on the density of the housing. It is considered that the details of the layout and buildings would require an innovative approach to achieve a development that is of a high quality of design due to the edge of town location and impact on the neighbouring residential properties and the retention of existing heavily tree cover and ditch features around the north and east sides of the site, the need to avoid existing sewers within the site and the need to provide sustainable drainage systems. The relationship to the neighbouring Old Police Houses requires special attention to protect the amenity of these properties from the layout of the PFS, health care, public open space and the new dwellings
- 5.47 The design statement indicates a possible layout of the land but all matters except access are reserved for later approval and caution must be exercised. Whilst the layout is a logical arrangement with the PFS at the road frontage with convenience store, health care and open space forming a buffer to the proposed new housing the layout cannot be relied upon at this stage.

Flood risk and drainage

- 5.48 In common with other development proposals in the south and east of Easingwold, drainage is a 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 land drainage and flooding is critical to the acceptability of this proposal.
- 5.49 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.

- 5.50 The application details that surface water and groundwater would be managed within the Sustainable Drainage System that will be designed for the development, the principles of which are outlined in the Flood Risk Assessment.
- 5.51 It is proposed that groundwater will be managed through the raising of ground levels and the installation of land drainage to manage elevated ground water levels, but not dewater the land. Discharge of land drainage is proposed to the Leasmires Drain subject to agreement with the Kyle and Upper Ouse Drainage Board.
- 5.52 The development would include a surface water drainage system designed to accommodate a 1 in 100 year (+30% climate change) event. The design criteria are to ensure no flood risk to the development itself and no increase in flood risk elsewhere within the design criteria. Discharge of surface water at greenfield run-off rate is proposed to Leasmires Drain subject to agreement with the Kyle and Upper Ouse Internal Drainage Board. The re-profiling of site levels would allow surface water run-off in the event that the drainage system capacity is exceeded to the Leasmires Drain.
- 5.53 The foul effluent is proposed to be managed through the installation of a sewerage system including pumping station, which would be subject to adoption by Yorkshire Water Services.
- 5.54 The surface water is proposed to discharge direct to Leasmires Drain, so there would be no discharge to the existing public sewerage system serving Easingwold.
- 5.55 In light of the above, the proposed foul and surface water drainage details are considered to be acceptable subject to the imposition of planning conditions

Highway matters

- 5.56 A Transport Statement (TS), produced by Fore Consulting, was submitted with the application. The TS examined access arrangements and the capacity of the local highway network to accept additional traffic generated by the proposed development.
- 5.57 A new vehicular access is shown to be constructed off York Road, as per the previously approved application ref: 13/02183/OUT. The proposed works show the provision of a new access with a right turn lane, designed to accommodate a range of vehicles, including HGVs.
- 5.58 The internal layout of the proposed development is a reserved matter and would need to be assessed at that stage. Turning areas would be required to accommodate large vehicles servicing the convenience store and PFS to enable refuse vehicle to satisfactorily manoeuvre within the site
- 5.59 In addition, parking provision for vehicles and cycles can be controlled by condition.
- 5.60 The Highway Authority requests that a contribution of £40,000 is paid for the operation of a Travel Plan and recommend conditions. It is considered that any Travel Planning work should be undertaken at the applicant's expense to meet the requirements of a planning condition and that it is therefore not necessary to require a financial contribution. Overall the scheme is considered to be unlikely to result in severe impacts upon highway safety, the test stated in paragraph 32 of the National Planning Policy Framework and subject to conditions relating to, amongst other matters, the connections of the site with the surrounding footway network the scheme can meet the requirements of LDF Policies CP2, DP3 and DP4.

Residential amenity

- 5.61 Policy DP1 of the LDF requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.62 The impacts arising from the vehicles movements to the PFS and convenience store and the odours and noise arising from the operation of the two premises have the potential to have a significant impact upon neighbouring properties. The layout of buildings and roads coupled with the hard and soft landscaping of the site can address many of these issues. Provision of a wall and landscaping between the PFS and the Old Police Houses is important to provide a strong visual and physical barrier to help to address the real and perceived impacts of the development upon these neighbours.
- 5.63 Subject to conditions relating to the boundary treatments and landscaping, hours of operation, attenuation of noise from refrigeration equipment and other similar matters it is considered that the revised mix of uses would not result in any greater impact on neighbour amenity than the previously consented scheme.

Sustainable construction

- 5.64 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. A suitably worded condition could be applied in order to secure implementation of a scheme to achieve the Policy DP34 objectives.

Ecology

- 5.65 Policy DP31 of the LDF states that "Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation,... that, Support will be given ... to the enhancement and increase in number of sites and habitats of nature conservation value".
- 5.66 A Phase 1 Habitat & Protected Species Assessment has been submitted and finds that the site does not support any statutory or non-statutory designations and is assessed as having fairly low ecological value. The Appraisal does not highlight a risk to any protected species but recommends that further survey work is in relation to breeding birds, bats and badgers, which can be conditioned.
- 5.67 In light of the above, it has been shown that the proposed development is unlikely to have any significant harmful ecological impact in accordance with the development plan and the NPPF.

Planning Balance

- 5.68 The development would achieve some economic gains by the provision of new retail floor space and potentially assist other economic growth by the provision of a PFS. The loss of land that is allocated for employment purposes may hinder the future economic growth and result in an economic loss. The formation of additional dwellings can, in principle and notwithstanding the Councils housing land supply position that is substantially above the 5 year minimum, be supported as a social gain and the provision of affordable housing in accordance with the LDF policies can also be given significant weight. There is no mechanism to secure the provision of the proposed petrol filling station or healthcare facilities and little or no weight can be

given to these matters. There is no need to provide additional housing land to as the Council have an 11.67 year supply of land for housing, well in excess of the 5 year requirements. There would be social harm due to the absence of primary school places to meet the needs of residents on the development. There are no overriding site specific impacts environmental impacts.

5.67 On balance it is considered that the scheme would be an unsustainable form of development and leads to recommendation of refusal.

6.0 **RECOMMENDATION:**

6.1 That subject to any outstanding consultations the application is **REFUSED**

1. The site lies beyond the Development Limits of Easingwold 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. The proposal fails to provide an appropriate a mix of housing to meet the identified needs to create or contribute towards a sustainable and inclusive community. The scheme does not follow the local housing needs data collated in the Strategic Housing Market Assessment and for all these reasons is contrary to LDF Policy DP13 that seeks to achieve and maintain the right mix of housing.

3. The proposal has not demonstrated that there are no reasonable prospects of the allocated employment land being used for that purposes and there is no justification for the land to be released for alternative uses at this time. The proposal is therefore contrary to the Hambleton Local Development Framework Policies CP12 and DP17 and contrary to the NPPF.

4. The proposal is contrary to Hambleton Local Development Framework Policies CP3, that gives support for proposals that protect, retain or enhance existing community assets, and DP6 that requires that proposals for new development must be capable of being accommodated by existing or planned services. DP6 also requires that where improvements in off-site infrastructure are programmed the timing of development must be co-ordinated with its provision. As there is insufficient capacity at Easingwold Primary School to accommodate the population growth and as there is no programme for additional infrastructure at the primary school the proposal fails to protect the existing community asset contrary to Policy CP3 and fails the tests of Policy DP6 as the needs to accommodate additional pupils is not met by the existing capacity and no additional capacity is programmed or co-ordinated to meet the needs of the development.