

## **16/02269/REM**

**Reserved matters application for the approval of details of appearance, landscaping, layout and scale in relation to the development of 641 homes and associated infrastructure  
at Land off Topcliffe Road, Sowerby  
for Taylor Wimpey North Yorkshire**

### **1.0 SITE, CONTEXT AND PROPOSAL**

#### **Site and context**

- 1.1 The site is agricultural land on the west of Sowerby bounding on to Saxty Way and Cocked Hat Park in the east, and Green Lane (track) to the north, including the land that is currently Westmoor Farm house and buildings. To the south is housing on Ash Court, Poplar Crescent, and Oak Drive built as phase one of the Sowerby Gateway development and housing under-construction on Swan Way, Butterfly Close, Hedgehog Close, Rosemary Close and Poppy Drive in phase two. The western boundary is not defined by any feature on the ground as there is agricultural land allocated for commercial use before reaching the East Coast main railway line.
- 1.2 Sowerby Gateway is a strategic site for mixed use development identified in Local Development Framework Allocations Development Plan Document Policy TM2 comprising five distinct parts:
- Site A: Westbourne Farm (23.0ha) - Allocated for housing development of around 920 dwellings (of which a target of 40% should be affordable); for development in three phases;
- Site B: Cocked Hat Farm (13.0ha) - Allocated for employment (Use Classes B1 business, B2 general industrial and B8 storage and distribution);
- Site C: Neighbourhood Centre (4.9ha) - Allocated for neighbourhood centre, comprising retail, leisure and associated uses such as a health centre;
- Site D: East of Topcliffe Road (3.3ha) - Allocated for primary school use;
- Site E: Gravel Hole Lane (7.8ha) - Allocated for community uses, including recreation/community park and allotments.
- 1.3 The Allocation Policy makes a number of requirements including:
- i. Type and tenure of housing to meet the latest evidence on local needs;
  - ii. Formation of an improved junction of the B1448 and A168, permitting north-south movements;
  - iii. Improved foot and cycle access to the Town Centre/Topcliffe Road and to retail facilities on Station Road and the Thirsk Railway Station;
  - iv. Improved public transport links along Topcliffe Road to serve the development;
  - v. Provision of a new primary school;
  - vi. Provision of a community park and allotments;
  - vii. Provision of structural landscaping and high quality design and layout;

- viii. Drainage to be achieved through a Sustainable Urban Drainage Scheme (SUDS) including on-site storage; and
- ix. Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

The majority of these are secured through a planning obligation signed by the landowners prior to the grant of outline planning permission.

- 1.4 This application relates to the third phase of Site A and seeks approval for all the remaining residential land that was identified in the outline planning approval, forming phase three of the Sowerby Gateway residential development. The application indicates that the area to the east would be built by Taylor Wimpey North Yorkshire and the area to the west by Linden Homes. Development within Site C so far includes extra care and sheltered housing with small shop units, a food store under construction and a budget hotel. Site E will be developed by the Council as the Sowerby Sports Village.
- 1.5 Other than the farm house and buildings at Westmoor Farm there are no structures on the land. Hedgerows run in a generally east – west direction between the approved phase two residential scheme and the application site.
- 1.6 The outline planning approval established the principle of the development of the site and the access arrangements. This application seeks approval of the remaining reserved matters of appearance, landscaping, layout and scale.
- 1.7 The outline planning permission gave approval for 925 dwellings. The phase 1 scheme approved 107; the second phase in two parts approved a further 44 and 98 homes, a total of 249. The additional 641 would bring the total number of homes to 890 on the west side of Topcliffe Road.
- 1.8 As noted in the policy section and the history the land is allocated and approved for housing as part of a mixed use scheme within the Local Development Framework. The land is within the Development Limits of Thirsk and Sowerby.

### Details of the proposal

Size, type and tenure

- 1.9 The size by the number of bedrooms and type, by bungalow and houses is shown in the table below. The tenure proposal is market housing, no affordable housing is proposed.

<b>Bedrooms/floors</b>	<b>Total units, by house type</b>	<b>%</b>
2 bed bungalow	8+6+15 =29	4.5
3 bed bungalow	3	0.5
	<b>Total bungalows = 32</b>	<b>5</b>
2 bed house (2 floors)	37+54+32 =123	19
3 bed house (2 floors)	52+4+27+28+51+17+16+30+32 = 257	40
3 bed house (3 floors)	42	7
4 bed house (2 floors)	29+15+16+26+25+3+10+7+8+18+10+20 =187	29
	<b>Total houses = 609</b>	<b>95</b>

The proposed mix of dwellings, by size, is:

<b>Bedroom</b>	<b>Total units</b>	<b>% of 641</b>
2	152	23.7
3	302	47.1
4	187	29.2
2+3	354	70.8

- 1.10 Bungalows would comprise 5% of the total number and would be located on the eastern side of the site bounding on to the farm lane and the dwellings on Saxty Way and Cocked Hat Park. The scheme shows the proportion of 2 and 3 bedroom dwellings to be 70.8%
- 1.11 The details show that whilst some dwellings would achieve or exceed the required sizes in the Nationally Described Space Standards and those in the Council's Size, Type and Tenure Supplementary Planning Document (SPD) others are undersized and amendments have been requested to achieve the standards.
- 1.12 The off-site highway works are set out in planning conditions 34 and 35 of the earlier permission and includes the improvements of the A168 junction to all movements in all directions and works on the northern end of Topcliffe Road and in the Market Place at the junction with Kirkgate and crossings on Topcliffe Road adjacent to the hotel and foodstore. The supporting statement gives a commitment to provide these works and gives details of the costs and the estimated time for construction.
- 1.13 The layout includes cycle and footway links in response of the requirements of planning conditions and the S106 planning obligation of the outline permission. Links are shown to the public right of way on Green Lane, to the north, and public right of way to the east and the network of cycle and footways within the earlier phases.
- 1.14 Access to the phase is shown to be taken via a series of junctions off the extended spine road, Oak Drive, that in turn takes access via a roundabout on Topcliffe Road. A distributor road is shown to reach the northern edge of the site abutting Green Lane. At the north west end of Oak Drive a roundabout is proposed to allow buses and HGVs to turn. Bus stops are proposed in two positions on the spine road.
- 1.15 Sustainable Drainage Systems (SuDS) are proposed and all surface water would be drained via soakaways. The spine road drainage is shown to be via a swale on both sides of the road. Dwellings would be provided with soakaways within curtilage.
- 1.16 A central area of public open space with play equipment is proposed. A series of small areas of open space are shown through the development; these would also accommodate soakaways to dispose of surface water from highway areas. In addition to the equipped play area and small areas of open space the linking green spaces would provide informal amenity spaces as well as functioning as footways and cycle ways.
- 1.17 Each dwelling is shown to have dedicated private amenity space and parking within or adjacent to the curtilage.

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

- 2.1 10/02373/OUT - A hybrid application that approved both the outline application and the first phase of residential and commercial development; Granted 21 August 2012.
- 2.2 15/00145/MRC - An application to vary the trigger for the provision of off-site highway works comprising an 'all-ways' junction with Topcliffe Road and the A168 dual-carriageway; Granted 29 October 2015. This replaces the earlier permission under reference 10/02373/OUT.

- 2.3 15/02243/REM and 15/02389/REM - Applications for approval of reserved matters for 98 dwellings and 44 dwellings known as Phases 2a and 2b;
- 2.4 The outline permission granted under 10/02373/OUT and modified under 15/00145/MRC is the subject of a Section 106 Agreement that requires amongst other things the provision of 40% affordable housing, funding for the Sowerby Sports Village and transport initiatives to promote cycling and walking as means of travel.
- 2.5 17/01259/FUL Change of use of existing paddock and the construction of five detached dwellinghouses. Application site to the east of plots 166 to 177 within the current application, the application on the neighbouring site is “under consideration”.

### **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 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 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 DP3 - Site accessibility  
Development Policies DP6 - Utilities and infrastructure  
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 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 DP39 - Recreational links  
Allocations Document Policy TM2A - South West Thirsk Area, Westbourne Farm, Sowerby - adopted 21 December 2010  
Allocations Document Policy TM2B - South West Thirsk Area, Cocked Hat Farm, Sowerby - adopted 21 December 2010  
Allocations Document Policy TM2C - South West Thirsk Area, West of Topcliffe Road, Sowerby - adopted 21 December 2010  
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
Supplementary Planning Document - Open Space, Sport and Recreation - Adopted 22 February 2011  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009

### **4.0 CONSULTATION**

- 4.1 Sowerby Parish Council – Wishes to see this application approved and makes the following comments:
- Welcomes the provision of bungalows but has concerns that this would result in a reduced amount of affordable housing; however it is understood that this is a result of survey evidence within the Strategic Housing Market Assessment; and
  - Wishes to see the multi directional junction built, as per the original outline application in 2010 and hopes that the infrastructure improvements will be delivered at the earliest opportunity, as promised.
- 4.2 NYCC Public Rights of Way – seeks an informative on the decision to advise on the need to avoid obstruction to public rights of way.
- 4.3 Highway Authority - A planning layout has now been received which in principle is acceptable. However, there is an overriding issue regarding drainage of the site. It is proposed that the side roads will be drained to soakaways. To date no information has been received regarding the size, number, type and location of these. Bearing in mind they must not be located within the roads and access for maintenance purposes is required, this could have an impact on the housing layout. As such, what has been shown on the planning layout may not be achievable.
- Similarly the main access road is to be drained to swales. Although these are indicated on the drawing no evidence has been received to demonstrate that the size and location of these is suitable.
- 4.4 Highways England – No comments received.
- 4.5 Environment Agency – No comments received.
- 4.6 Yorkshire Water – Drainage should follow the strategy of the outline application which was that all surface water is discharged to soakaways.
- 4.7 Network Rail – No comments received.
- 4.8 Education Authority – Objects as agreement has not yet been reached for the transfer of serviced land to enable the provision of a new primary school, as required by the S106 agreement accompanying the outline permission. The Authority indicates that the new school should be made available in the year 2018/19.
- 4.9 NYCC Heritage Services – Condition 21 of the outline permission relating to archaeological assessment and mitigation applies to this reserved matters submission; no specific comment on this proposal.
- 4.10 North Yorkshire Police Architectural Liaison Officer – Does not support the application. It is acknowledged that the general arrangement of dwellings, parking and boundary treatments with front doors on the visible frontage of dwellings, though additional boundary treatments between public areas and the front of dwellings are required for some areas of the site and ‘defensive planting’ is encouraged. Gating to all rear service alleys should be provided.

Two principal areas of concern are raised:

- (a) The high level of permeability of the site layout can increase the risk of crime and anti-social behaviour. Pedestrian routes should be designed to be well used and overlooked.
- (b) The east-west route along the northern boundary has very little surveillance.

- 4.11 Environmental Health Officer – No objection; no significant impact on local amenity is anticipated.
- 4.12 Ministry of Defence (in relation to Allanbrooke Barracks 1km west of the site) - No comments received.
- 4.13 North Yorkshire Local Access Forum - No comments received.
- 4.14 Ramblers Association – No objection; notes that no detail has been provided of changes to the northern boundary Green Lane and footpath to Thirsk Station.
- 4.15 Internal Drainage Board - No comment.
- 4.16 Public comments – Two comments received. One supports the application but asks that more trees are planted. The other is neutral and asks: (i) that there will be no vehicle traffic nor street lighting along the lane on the eastern boundary of the site (behind Cocked Hat Park); (ii) when the junction improvements from Topcliffe Road to the A168 will be completed; and (iii) whether the public right of way from Green Lane West to Thirsk Station should be improved.

## **5.0 OBSERVATIONS**

- 5.1 The site has outline planning permission for residential development subject to conditions and the terms of a S106 planning obligation (as varied) and follows the requirements of the LDF Allocations policy for a strategic site. Accordingly the principle of residential development of the site is not in question.
- 5.2 The main issues to consider are those required by the reserved matters condition of the outline application 10/02373/OUT (as amended by 15/00145/MRC that altered the trigger dates for the off-site highway works) namely: (i) scale; (ii) the layout of the site; (iii) landscaping; and (iv) appearance. It will then be necessary to consider the balance of all these considerations.

### **Scale**

#### Housing numbers and size, type and tenure

- 5.3 The proposal seeks approval for residential development of the remaining land allocated and approved for residential development. The number of dwellings proposed are 641 (split 321/320 between Taylor Wimpey and Linden Homes) of which the distribution of house types and sizes are as shown in the table at paragraph 1.9 The quantum of development proposed is within the scope of the outline application.
- 5.4 The findings of the 2016 Strategic Housing Market Assessment (SHMA) are that there is a general shortage of smaller housing within Hambleton. As set out in the table, 70.8% of the dwellings are to be 2 and 3 bedrooms; this meets the requirement of LDF Policies CP8 and DP13 and the expectations as detailed in the Size, Type and Tenure SPD.
- 5.5 There was no requirement to include bungalows in schemes at the time of the outline planning approval so it was not a condition of that permission to provide any. However, the applicant recognises the evidence of the SHMA that more bungalows should be built to meet the needs of an aging population and for people with limited mobility and how this is reflected in the Size, Type and Tenure SPD's expectation of 10% bungalows on open market schemes of 25 units or more. Whilst not meeting this, the proposal shows a voluntary commitment to 5% bungalows.

- 5.6 The size of dwellings are required to meet the Nationally Described Space standards. Space standards are also contained within the SPD. As noted earlier some of the dwellings fall short of the required standards and amendments have been requested to achieve or exceed the space standards. No affordable housing is proposed due to issues of viability discussed later in this report.

### Infrastructure

- 5.7 Infrastructure, both on and off-site, is required to create the capacity to accommodate the growth (population, drainage, traffic etc.,) generated by the development. The infrastructure for the site has been required to be provided by means of planning conditions and a planning obligation associated with the outline permission. Some substantial pieces of infrastructure have already been completed (two roundabouts on Topcliffe Road and the spine road to the start of the Phase 3 development area) whilst other areas are yet to commence.
- 5.8 The most significant item of infrastructure is the improvement of the A168/B1448 junction to allow traffic to enter and leave in all directions, currently estimated to cost £6.3m. This is required to be in place prior to any more than 249 dwellings, 90 bed extra-care apartments, 1,486 sq. m net retail sales area food store and 2,665 sq. m of employment floor space being brought into use. As noted in paragraph 1.7, the preceding phases of housing total 249 dwellings, so the housing proposed in this application is dependent on the junction being improved. (Full planning permission was granted for the budget hotel and is not subject to the control of condition 34.) The applicant confirms that the junction improvement would be delivered “as part of the next phase of development at the very earliest opportunity”. The applicant expands upon this as follows:

*Taylor Wimpey & Linden Homes are fully aware of the infrastructure required to be delivered to bring the remainder of the residential land at Sowerby Gateway forward. To this end, we are in advanced discussions with Highways England and we have a detailed design for the junction works. ARUP have been commissioned by Taylor Wimpey & Linden to project manage the junction works. They are also moving the Scheme through the Official Journal of the European Union (OJEU) tender process to enable a contractor to be appointed and works to commence as swiftly as possible.*

*Options are already in place for the purchase of the remaining residential land and the offsite junction. To this end, Taylor Wimpey can purchase the land, along with Linden, and deliver the Scheme quickly upon the receipt of a satisfactory planning permission and Taylor Wimpey UK & Linden Group Board Approval.*

*Bond Dickinson are acting for Taylor Wimpey & Linden on both the S278 discussions with Highways England & NYCC Highways and on the matter of the DOV to the S106, should Officers & Members be minded to grant planning permission on the terms set out above. Based on current estimates, we envisage a construction period for the junction of 41 weeks. On this basis, we anticipate that the junction could be delivered and operational as early as the end of Summer 2018 based on the following steps:*

#### **ACTIVITY**

#### **TIMESCALE**

*Planning Committee*

*Jul 2017*

*Completion of S106 & issue decision*

*Aug 2017*

*Junction OJEU tender process & contractor appointment*

*Jul – Nov 2017*

*Land acquisition (following expiry of judicial review period)*

*Sep/Oct 2017*

<i>Housing - construction start</i>	<i>Oct/Nov 2017</i>
<i>Junction – construction start</i>	<i>Nov/Dec 2017</i>
<i>Completion of junction works</i>	<i>Aug/Sep 2018</i>

*On the above-mentioned basis, the junction will be commenced well in advance of the trigger in Condition 34 (250 dwellings) being met. Linden consider that the final occupation on their current site will not be until May/June 2018. On this basis here may be a slight overlap between dwelling occupations on the site and completion of the junction. We will write separately to your Officers on this point.*

- 5.9 Education land and funding towards school places is required for each dwelling completed this is required in the s106. The comments of the Education Authority objecting to the application are addressed by the applicants who are working with the landowner to bring forward the certainty about the provision of serviced school land. The agreement and relevant outline planning conditions specify when the following are to be provided: (i) community gardens; (ii) sports land, with funding; (iii) public rights of ways upgrade to link between the site and the Thirsk railway station at Carlton Miniott; (iv) public open space within the residential area; (v) informal green space linking through the residential areas; (vi) public art; (vii) pedestrian road crossings on Topcliffe Road; (viii) bus stops and funding for bus routing within the scheme; (ix) off-site highway works in Thirsk town centre and the upgrade of the A168/B1448 junction. The agreement details the trigger dates for each of these pieces of infrastructure. The applicant has given written commitment to provide the required infrastructure directly (or funding for the infrastructure) and provide costings for doing so in support of their viability assessment.

#### Affordable housing

- 5.10 The agreement secures a planning obligation for the provision of affordable housing. The requirement set out is for 40% of the dwellings on the whole of the development area to be affordable in perpetuity, in line with the policy expectation. Although the 40% proportion was considered viable at the time of the outline planning permission, and phases 1, 2a and 2b the applicant has advised that the scheme can no longer afford all of the infrastructure costs and provide 40% affordable housing.

#### Viability

- 5.11 The viability assessment undertaken by the applicant's agent indicates that the scheme is not viable to provide both the infrastructure required and affordable housing. The applicant has explained the background as follows:

*Taylor Wimpey has entered into a fixed price Option Agreement with the landowners (The Sowerby Family) and Mulberry Homes. Mulberry Homes no longer have an appetite to develop housing at the site and are stepping aside. The option agreements cover the remaining residential land, and the land required to deliver the off-site junction improvements to the A168 as required by Condition 34 of the Outline Planning Permission.*

*As you are aware, an Economic Viability Assessment (EVA) has been submitted by Cushman & Wakefield on behalf of Taylor Wimpey. This includes a breakdown of the abnormal costs associated with the delivery of the Scheme that have, where appropriate, been subject to tender or provided by an independent cost consultant (LHL). As is made clear in the EVA, the land value requirements of the Sowerby Family and Mulberry Homes Yorkshire, coupled with the abnormal costs (incl. on-site & off-site infrastructure works) of the site, mean it cannot be delivered in a viable*



manner without the scale of the planning obligations and affordable housing (set out in the S106) being reduced.

The EVA demonstrates that the residual land value (what is left from the GDV [gross development value] of the site after accounting for costs (build cost, profit, finance, sales & marketing etc.) is circa £5m below the land value required to exercise the fixed price option agreements. The viability assessment does not include any provision for affordable housing or any S106 contributions other than those set out above.

The current S106 Agreement requires the following, in addition to those items set out above (including affordable housing):

<b>TRIGGER</b>	<b>TOPIC</b>	<b>AMOUNT</b>
250 <sup>th</sup> dwelling	Community Facilities Contribution	£1,072,500
401 <sup>st</sup> dwelling	Bus Service Contribution	£100,000
451 <sup>st</sup> dwelling	Bus Service Contribution	£100,000
500 <sup>th</sup> dwelling	Cycleway/Footpath Link Contribution	£250,000
501 <sup>st</sup> dwelling	Bus Service Contribution	£100,000
551 <sup>st</sup> dwelling	Bus Service Contribution	£100,000
601 <sup>st</sup> dwelling	Bus Service Contribution	£100,000
Each Reserved Matters (50% upon commencement and 50% within 6 months of commencement)	Education (£3,124.75 per dwelling)	Up to £2,112,331
If 90% of peak hour trip numbers are reached	Travel Plan Mitigation Sum	£113,100
<b>TOTAL</b>		<b>£4,047,931</b>

5.12 The applicant's offer is as follows:

Taylor Wimpey have considered the proposals in the round (including taking a view on abnormal foundation costs). Notwithstanding the current deficit in the EVA, Taylor Wimpey are willing to deliver the 'in kind' elements of the S106 (e.g. school land link road & servicing, public art, play areas etc.) and a financial contribution package equivalent to the current terms of the S106 (as set out in the table above). This would amount to a S106 pot of £4,047,931. There would, however, be no affordable housing within the Scheme under this scenario.

We appreciate that the Council's & County Council's priorities change over time. In the event that the Councils consider that the delivery of affordable housing was preferred over a financial contribution (either the whole or part thereof) then Taylor Wimpey & Linden would deliver affordable housing in lieu of the financial contributions. This flexibility can be facilitated through the drafting of a Deed of Variation to the existing S106.

5.13 The viability appraisal has been reviewed on behalf of the Council by the officers of the District Valuer. Whilst the review is on-going, it is clear from the work undertaken that the scheme will fall substantially below the 40% required. The applicant has advised that they will work with the Homes and Community Agency (HCA) to seek funding to improve affordable housing provision. Upon completion of the work of the

District Valuer a submission for funding can be made to the HCA and, subject to that proving successful, a mechanism for including an agreed number of affordable units can be included in a Deed of Variation to the S106 agreement.

- 5.14 A bid towards the cost of the off-site highway infrastructure has been prepared by the Council for submission when a funding round becomes available. As set out in the statement from Taylor Wimpey any additional funding that becomes available will be directed to the provision of affordable housing.
- 5.15 Use of a viability review mechanism, or overage clause, to secure any reduction in construction costs and/or uplift in sale values has also been proposed and to apply these to the provision of on-site affordable housing. A Deed of Variation to the S106 agreement will be required to be agreed to secure any change in details of the original planning obligation relating to (i) a reduced level of affordable housing from the 40% requirement; (ii) any funding achieved to secure additional provision of affordable housing; and (iii) an overage clause to apply any surplus on the development to the provision of affordable housing.
- 5.16 The Deed of Variation will require agreement to be reached between Hambleton District Council, the North Yorkshire County Council (as education and highway authority), and the land owners. A document is in preparation and to meet the proposed timetable quoted at 5.8 above will need to be concluded promptly.
- 5.17 As demonstrated in the evidence set out above, the applicant has been open in setting out the difficulty they have in meeting the infrastructure requirements of the outline permission and the affordable housing commitment made by the previous applicants. However, they have agreed to use best endeavours to seek additional funding for affordable housing from the Homes and Communities Agency and have committed to a review mechanism so that any savings in their anticipated abnormal development costs can be used to provide affordable housing.
- 5.18 In addition, the applicant has offered the opportunity to review the package of infrastructure benefits within the S106 agreement, which could allow some affordable housing to be secured at the expense of another objective. This is considered later in the report.
- 5.19 It is understood that the main obstacle the applicant faces in meeting the current obligation to provide 40% affordable housing is the nature of the fixed price option agreement the landowners and the previous developer required them to enter. The non-achievement of 256 affordable homes (40% of 641) is highly regrettable, contrary to the aims of the allocation policy and the agreement secured from the landowners and applicants at the outline stage, and should not normally be accepted. It is therefore necessary to consider whether there are unique circumstances that might justify granting approval of reserved matters and the proposed attendant Deed of Variation under which no further affordable housing can be guaranteed. This will be considered in terms of the planning balance at the end of the report.

## **Layout of the site**

### Movement masterplan

- 5.20 Following the design approach identified in the movement masterplan at the outline stage there is a hierarchy of routes. Pedestrian facilities are proposed comprising off-road footway and cycling links between the phases of the development, to the sports and education and neighbourhood centre within the wider development site and to the neighbouring residential areas and the town beyond. This provides for links to the public right of way network to link the site to Thirsk Station.

- 5.21 Emergency access routes are shown to link between the phases of the development and take account of the phased approach to the development of the wider site. Private drives would be used to access small clusters of residential properties, linking to estate roads and through to the spine road that in turn links to Topcliffe Road, that will provide access via the B1448 to the upgraded all ways junction with the A168.
- 5.22 The layout provides access to the residential development from the spine road that links to a roundabout on Topcliffe Road. The spine road would be used for routing of bus services. Bus stops are required and would be provided within the carriageway. A roundabout is proposed to be formed at the western end of the spine road to achieve a turning space for buses and other larger vehicles.

### **Landscaping and appearance**

- 5.23 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.24 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.25 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.26 The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.27 Community consultation took place during July 2016 culminating, following a leaflet drop of 300 neighbouring properties and press release, in a public consultation event on 20 July 2016 at the Thirsk and Sowerby Town Hall. The Design Statement records that the event gave opportunity to discuss the proposal with the development team of planning, highways and drainage professionals and was attended by about 50 people. "Comments received were largely positive with local residents understanding the nature of a Reserved Matters planning application and accordingly providing the development team with some very constructive comments."
- 5.28 Most issues raised relate to the impact on neighbours close to the eastern edge of the site. The Design Statement records how the scheme has been amended to provide bungalows and to attempt to retain trees close to the eastern boundary, that the green lane will not be used by vehicles, that the route on the eastern boundary not be proposed to be lit, these are in response to concerns raised at the consultation event. The consultation event demonstrated options for the landscaping of the open spaces. The "eco park/natural" approach was favoured by residents and will be designed in to the scheme. Concerns were also raised during the consultation event

regarding the provision of affordable housing and timing of the delivery of the A168 junction, both issues are addressed separately in this report.

### **The planning balance**

- 5.29 As noted earlier, the applicant faces an obstacle to providing affordable housing as normally required by policy and the current S106 agreement because of the fixed price option agreement the landowners and the previous developer required them to enter. In this instance there are sound planning reasons for making an exception. These are the strategic significance of the Sowerby Gateway development in terms of housing and employment land provision in pursuit of LDF objectives, avoiding the development of the site from stalling and the opportunity to secure major infrastructure provision, most significantly the improved A168/B1448 junction, within a reasonable time scale and to avoid an incomplete development. These factors are unique to this project and therefore the recommendation below is not intended to set a precedent for other sites.
- 5.30 NPPF paragraph 19 advises that “Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth”, and “to encourage and not act as an impediment to sustainable growth”. At paragraph 205 the NPPF states: “Where obligations are being sought or revised local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.” The advice of the NPPF to do whatever Planning Authorities can to prevent sites stalling is considered to support the recommendation made on this application.
- 5.31 However, it may be possible to review the priority to be given to other elements within the current S106 agreement, for example, the cumulative £500,000 for bus service improvements, although this would only deliver a small uplift in the numbers of affordable units.

### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the reserved matters are **APPROVED** subject to (a) the satisfactory prior completion of a Deed of Variation to the S106 agreement dated 17 August 2012 (as amended) to secure a reduced provision of affordable units accompanied by a viability review mechanism; and (b) the following conditions:
1. The development shall be begun on or before the expiry of two years from the date of this decision.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered \*\*\*; received by Hambleton District Council on \*\*\* (layout and house types details to be completed).