

17/00519/REM

**Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 175 dwellings.
at Land Off Stillington Road Easingwold North Yorkshire
for Kier Living.**

The application is referred to Planning Committee as it is a major application with high levels of public interest.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Outline planning permission for up to 175 dwellings was granted on appeal 8th December 2015. Reserved matters approval is now being sought. All matters were reserved for subsequent approval at the outline stage, other than associated infrastructure and access. An indicative master plan showing plot positions, landscaping, roads and footpaths was submitted with the original outline application (13/01703/OUT) as part of the Design & Access Statement.
- 1.2 The application site comprises an area of 6.74ha. The reserved matters application includes 175 units resulting in an average net density of 25.96 dwellings per hectare. The applicant has committed to a minimum of 50% affordable dwellings on site (which was a condition of the outline approval). 88 units are proposed to be affordable and 87 units are proposed to be market housing.
- 1.3 Existing landscaping features would be retained and serve as focal points within the layout. The landscape features of merit within the site include hedgerows and trees on the north eastern boundary the majority of these are proposed to be retained and the scheme includes some additional planting enhancement and reinforcement.
- 1.4 The application site consists of agricultural fields surrounded by hedgerows and there are mature trees along part of the northern boundary. It is generally flat, but dips slightly towards the southern boundary.
- 1.5 The vehicular access into the site is proposed off Stillington Road along the southern boundary. This detail was approved at the outline stage. A public footpath crosses the northern edge of the site in a northwest to southeast direction and leads to a football ground and then allotments. A number of more informal paths exist, particularly around the edges of the site. The proposal provides for the retention of the public right of way and the creation of further footpath and cycling links through areas of public open space which are proposed to be created through the centre of the site. There are two areas of public open space, one in the south adjacent to and either side of the access road and one that flows through the centre of the site and links onto the public right of way that connects the site to the town centre.
- 1.6 The applicant has incorporated a total of 11 dwelling types within the scheme, including both market and affordable units:

Total number of units proposed	175
Number of affordable units	88
Percentage of affordable units	50.2%
Percentage of two and three bedroom units	58.3%
Number of bungalows	46

Percentage of bungalows	26.2%
Number of two bed bungalows	34
Percentage of 2 bed bungalows	19.4%

1.7 The affordable units comprise

One bedroom	12 units
Two-bedroom	54 units
Three bedroom	22 units

The market units comprise

Two-bedroom	6 units
Three-bedroom	20 units
Four-bedroom	61 units

1.8 The application site is not allocated for any purpose within the Hambleton Local Development Framework and lies beyond Development Limits. The site has been put forward in the recent call for sites and has been carried forward as a preferred option. However, the planning history referred to above and below is also of relevance.

1.9 The application is supported by documents including:

- Planning Supporting Statement
- Community involvement statement
- Design and Access Statement
- Drainage Strategy
- CIL and Housing Pro-forma
- Travel Plan
- Memorandum on noise
- Arboricultural assessment
- Archaeological Assessment
- Geo-Environmental Survey

1.10 Improvements have been secured to the scheme including amendments to the layout to meet the requirements of the Highway Authority, an increase in the affordable housing provision to accord with the relevant condition of the outline permission, improvements to the mix of affordable and market units, amendments to the layout to create improved footpath access facilities, removal of the attenuation basin in the main area of public open space and replacement by underground storage in order to allow it to be accessed at all times

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 13/01703/OUT An outline planning application for residential development (up to 175 dwellings) with associated infrastructure and access was refused planning permission on 26th November 2013. An Inquiry appeal following the refusal was heard with a decision made on 6 January 2015 dismissing the appeal. A challenge was made to the decision by the appellants and the appeal decision of 6 January 2015 was quashed by order of the High Court. A further Inquiry was held in October and November 2015. The second appeal decision made on 8 December 2015 allowed the appeal and planning permission was granted subject to conditions.

2.2 The appeal condition 4 allowed 18 months for the submission of reserved matters application, the application was submitted prior 8 June 2017 so meets the first requirement. Following the approval of reserved matters the appeal condition 5 provides that development must be commenced within 12 months.

- 2.3 The appeal condition 9 requires that not less than 50% of the overall number of dwellings are affordable housing units.
- 2.4 The appeal condition 10 requires that a minimum of 10% (18 dwellings) are to be two bedroom single storey dwellings.
- 2.5 A copy of the appeal decision of 8 December 2015 is appended to this report.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 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
 Development Policies DP1 - Protecting amenity
 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 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
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 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

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council – make the following response to consultation.
 Firstly, ETC wishes to emphasise the need to respect the outline conditions imposed by the planning inspector in granting planning permission - namely:
 The development's phasing, housing mix and its connectivity. In this regard, the provision of a mini-roundabout at the junction between the York and Stillington roads before any dwellings are occupied is essential for road safety and traffic flows.
 Because of the expected increase in traffic emanating from the Kier development

along with the volume of traffic expected from the proposed Persimmon Kellbalk Lane development 14/02285/FUL, the increase in vehicles using the Crabmill Lane / Stillington junction will involve huge problems for vehicle exiting Crabmill Lane to join Stillington Road, therefore ETC request that County Highways investigate painting an appropriate area of Yellow hatching on Stillington Road to help vehicles accessing the flow of traffic onto that road, in the interests of public health & safety on the highway.

Next ETC feels that the currently proposed scheme will not deliver an adequate area of recreational open space. ETC would like to see the retention of as many of the existing trees, hedges and landscape features as possible so as to mitigate its impact on what is a major entry point into the town. There should be a footpath connection provided to the estate along Stillington Road at the front and foot/cycle access to the public footpaths provided along the rear of the development, to give good accessibility between the estate and the town centre.

Easingwold Town Council supports Hambleton District Council's minimum space requirement. We wish to ensure that the development meets the HDC housing policies CP8 and DP13 that is to say a minimum of 10% 2-bed bungalows; with houses in the mix 10% 1-bed, 35% 2-bed, 25% 3-bed and 20% 4-bed. We see no need for 5-bed properties or a higher volume of 1 bed properties. (As indicated in the Neighbourhood Plan consultation in 2015). We would like to see 30% affordable housing with a mix of ownership of 50% shared ownership and 50% rented.

In addition, there is a general concern in the area about flooding in extreme weather. Surface water drainage for this site has been limited to 25.8 litres / second. In contrast, the Kell Balk site is limited to 5 l/s and the limits for other similar sites which discharge into Leasmires Beck is 11 l/s. Why should this site be permitted to have over twice the run-off rate of other sites, given that they all empty into the same beck?

All of these sites plus other proposed sites and a large part of Easingwold already drain into Leasmires Beck. The overflow from the sewer system also empties into this beck.

Concerns have been raised by ETC and members of the public over the constant threat of flooding to certain parts of Easingwold during times of moderate to heavy rainfall. While we appreciate that the size of the water retention pond and run off rates have been calculated to standard guidelines, there is already evidence of flooding in Easingwold and the public are concerned that future developments will worsen this problem. Presumably all new developments have had their drainage rates calculated by the same method and if this method was correct, there would be no flooding in Easingwold, in the light of recent significant and major flooding of the site, that the whole issue of drainage and water retention design be independently re-assessed by Kyle & Ouse Drainage board

ETC wishes to be sure that any such issues on this site are effectively resolved without exacerbating problems in the surrounding areas, the two becks or the football ground.

Furthermore, there are no plans shown for the design of the roundabout at the Crabmill Lane junction.

The appeal decision stated that:

“26. No development shall take place until a scheme of highway improvements comprising a roundabout at the junction of York Road and Stillington Road has been submitted to and approved in writing by the Local Planning Authority. The highway

improvements shall be completed in accordance with the approved scheme before the first dwelling is occupied.”

ETC would like to see restrictions on the operating hours of the site as a planning condition to prevent noise nuisance to neighbouring properties.

Finally, ETC would like to see the development phased over at least 3 years to help the town absorb the growth in population created in to the resources available.

- 4.2 NYCC Highways - Seeks further information to provide the details required by the conditions of the outline approval. No objections are made to the proposed layout but have sought improvements to the footpath connections proposed between the site and the town.
- 4.3 Environment Agency - no objections, advise the importance of checking the available capacity in the drainage network and at the treatment works. Also advise on consultation to the LLFA on matters of surface water disposal.
- 4.4 Flood Risk Management LLFA (Lead local flood authority) - no comments to make in respect of the reserved matters of appearance, landscaping, layout and scale.
- 4.5 Internal Drainage Board – make reference to the need for approval prior to work near to watercourses or discharge of water into a watercourse.
- 4.6 NY Police - Commends the scheme for adopting the principles of Crime Prevention through Environmental Design. Notes that the rear service alleyways exist and should be gated off.
- 4.7 EHO - no objections
- 4.8 NYCC Archaeology - notes that the Written Scheme of Investigation is attached to the application, this meets the requirements of the first part of the condition 8 of the outline approval.
- 4.9 Local Access Forum - The site plan lacks provision which will encourage cycling to the village centre, and the Local Access Forum recommends that the footpath running within the perimeter of the north and northeast of the site be a shared cycle and pedestrian facility, with access onto the track behind the proposed estate. The Forum cannot support the planned poor practice of using the estate roads for visitor parking, as this will discourage cycling through the estate, but instead should be provided in more than one place in dedicated areas to meet at very least the minimum standards laid down by NYCC
- 4.10 Publicity
Six representations have been received in respect of:
 - The position of the vehicular access will cause congestion
 - The junction of Stillington Road, Long Street and York Road needs improvement
 - The travel plan is flawed
 - Additional residential growth is not matched by increases in infrastructure (schools and medical facilities) there has been too much house building in the town
 - Development on greenfield site
 - Against the wishes of the local community
 - Provides no benefits to social, economic or environmental interests
 - Sufficient land has been made available to meet the needs of Easingwold
 - Impact on neighbours due to the position of the vehicular access that could be eliminated by moving the access towards Long Street

5.0 OBSERVATIONS

- 5.1 The principles behind the development of this site are set out in the Inspector's decision in relation to the outline approval for development (13/01703/OUT), the conditions for which are set out in **Appendix 1** attached to this report.
- 5.2. The Inspector's decision has confirmed a number of matters relating to the development of the site. This includes the percentage of affordable housing at not less than 50%, the principle of residential development without the provision of additional capacity in the medical and educational infrastructure beyond the requirements for CIL payments and detailed arrangement of the vehicular and pedestrian access point into the site, the acceptability of the impact of vehicular movements associated with the development, and the principle of the development in relation to matters such as foul and surface water drainage and flooding. A number of these matters are the subject of conditions attached to the outline planning permission.
- 5.3 The main issues to consider in the determination of the reserved matters are: (i) the housing mix, type and tenure, including affordable housing provision; (ii) public open space provision; (iii) highway safety; (iv) drainage and flood risk; (v) design and layout, including impact on residential amenity; and (vi) community engagement;

Housing mix, type & tenure and affordable housing

- 5.4 In this instance, the proposed housing mix was established through the outline application approved under reference 13/01703/OUT. The housing mix for the maximum number of 175 dwellings given outline approval as set out in paragraph 1.6 and 1.7 and meets the requirements of the appeal decision.
- 5.5 Condition 9 of the outline planning permission states that at least 50% of the dwellings are affordable homes; the scheme proposes 50.2% and therefore meets the requirements of the condition.
- 5.6 Condition 10 of the outline planning permission requires a minimum of 10% of the dwellings on the site to be two bedroom and single storey; the scheme proposes 19.4% two bedroom bungalows and therefore substantially exceeds the requirements of the condition and is in accordance with the aspirations to increase the supply of smaller single storey dwellings. It is considered the proposal would provide an appropriate quantity of two-bedroom bungalows.

Public open space

- 5.7 The proposed development includes a central public open space containing a play area to required standards, beech hedge planting, avenue style tree planting and existing woodland trees. Planting around the boundary of the open space would provide slight separation from and screening for the adjacent housing. Low native species shrubs would be planted along the edges of the existing plantation trees, with a native wildflower strip along the edge. This is to create a graduated edge to the existing woodland and improve biodiversity.
- 5.8 A retention basin would be located within the open space as part of the drainage strategy. During the course of the application this basin has been amended in order that it can be used as a permanent part of the public open space provision by incorporating an underground attenuation solution as opposed to an open basin.
- 5.9 Whilst the highly varied boundary to the open space makes measurement of the usable space very difficult it is considered that sufficient space is available within the open areas in the site to accommodate the facilities required by Condition 22 for on-

site amenity space, children's play and young people's facilities. No details of these are provided at this time. These details will be required to be submitted for approval by condition.

Highway safety

- 5.10 The single access point from Stillington Road was fixed by the appeal decision. The entrance point opposite recently formed dwellings has given rise to critical comment from neighbours to the site. However, approval has been given for the access in the position shown and the Local Planning Authority cannot require that the applicant revise their proposals. A condition of the outline approval requires improvements to the York Road, Long Street, Stillington Road junction. Designs were prepared at the time of the outline application and are referenced in the appeal decision. The requirement of condition 26 is that the off-site highway improvement works are completed before the first dwelling is occupied.
- 5.11 The internal highway layout has been amended since pre-application stage. The layout provides a hierarchy of roads and makes provision for shared service roads and private drives. The layout makes footways direct and convenient and the road more sinuous to reduce traffic speeds.
- 5.12 All dwellings have in curtilage parking. Very little visitor parking is proposed, limited to 4 spaces in a shared surface area at the northern end of the site. This is in response to concerns raised by the Local Access Forum that the footways may be obstructed by parked vehicles.
- 5.13 Various issues of visibility splays on junctions within the layout have been raised by the Highway Authority through the course of the application and the applicant has sought to address these concerns through amendments to the layout.

Drainage & flood risk

- 5.14 Policy DP43 of 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.
- 5.15 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.
- 5.16 Drainage was a topic at the Inquiry appeal (paragraphs 64 and 65) and is covered by appeal conditions 12 and 13 attached to the grant of outline planning permission. Amendments have been made to the scheme during the application.
- 5.17 The drainage of the site and associated flood risks have been highlighted through a number of representations from the local community. Local people have raised concerns about the surface water drainage of the site and the potential for the development to impact on residential properties, elsewhere due to the high water table and capacity of the sewer network.
- 5.18 The site is understood to be poorly drained at present and frequently holds standing water. The applicant has put forward a drainage strategy in order to address this issue, which has been subject to consultation with the Sustainable Urban Drainage

System (SUDS) Authority (NYCC), no objections are raised to the proposal. The details required by condition are to be considered separately.

- 5.19 The strategy put forward is to positively drain the site and provide surface water storage on the site before discharge to Leasemires Beck at a controlled rate of 25.8 litres per second.
- 5.20 The attenuation of water on the site, is by some storage in pipework but mainly in underground attenuation tanks on the southern part of the site under the areas of public open space. These features would allow access to the public open space whilst facilitating the necessary levels of attenuation by effectively creating underground storage areas. This option was chosen in preference to a pond solution, which, due to the high water table, would be a wet area at all times, reducing the availability and usability of public open space and creating safety issues associated with the management of open water.

Design and layout and residential amenity

- 5.21 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."
- 5.22 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.
- 5.23 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."
- 5.24 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.
- 5.25 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." The NPPF also emphasises, in paragraph 66, the importance of public engagement in evolving good design. That is considered later in this report.
- 5.26 The applicant's design and access statement builds on the outline planning permission explaining how the design has evolved following the consultation responses (noting the response of Easingwold Town Council) relating to the provision of a green corridor throughout the estate, centrally placed green area incorporating landscaping, pedestrian route and an equipped play area are noted in

the submission.

- 5.27 It is considered that the proposed layout and the relationship of private and public spaces, retention of boundary treatments and the connection to the public right of way to the north and connection to the green space within the site is acceptable and would provide a positive townscape form within the development, taking account of the constraints imposed by the access position and drainage strategy. Additional detail has been sought and to be secured by condition to establish the finished floor levels of dwellings to ensure that they do not have an overbearing impact on the neighbouring dwellings on Meadowfields Close and Leasmires Avenue.

Community engagement

- 5.28 It is noted that a detailed level of public consultation was undertaken prior to the submission of the outline application 13/01703/OUT, which included:

- A consultation leaflet to local residents;
- Contact with Easingwold Town Council;
- An advert placed in the Easingwold Advertiser newspaper;
- Display of plans and material on a web site; and
- A public exhibition at the Galtres Centre

- 5.29 It was therefore determined by the applicant that an informative letter would be sent to neighbouring properties together with a copy of the site layout plan, inviting any comments to be submitted. A leaflet drop was arranged to local residents to inform them of Kier Livings' intention to submit a reserved matters application in the coming weeks. The letter informed residents of the development proposal and invited residents to provide their comments by email or through a dedicated webpage set up for the application.

Planning balance

- 5.30 The proposal provides for 175 dwellings including 50.2% affordable dwellings of a size, type and mix that meets the local needs expressed in the Council's strategic housing market assessment. The development provides for the retention of landscape features on the boundaries of the site and within the constraints set by the decision of the outline and similarly the provision of footpath connections to the town and cycleway provision through the site. Concerns in respect of drainage and flood risk are addressed by other consent regimes and the conditions of the outline approval. Open space is provided within the site to accommodate the reasonable needs of amenity and children's recreation. Overall it is considered that the scheme is a suitable form of development that can be supported under the LDF policies.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **APPROVED** subject to the following conditions:

Time limit

1. The development shall be begun before the expiration of 12 months from the date of this decision.

Approved drawings

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below received by Hambleton District Council on 01 March 2017 unless otherwise shown below approved in writing by the Local Planning Authority

Location plan 1652.05
Planning layout 1652.01.G 6 September 2017
Footpath connections 6036-FP-01 31 August 2017 and FP-02A 6 September 2017
Landscaping masterplan

House types
Sten Y 018E and 019A
Sten Apt 013A
Horsham 1652-HORS-010 and HORS-011
Thornton – 021B updated to a 3 person house 6 September 2017
Holmewood 014A, 016A and 017A
Oakwood 026A and 027A (and 028A and 029A plot 111)
Mapleford 022A and 023A
Sten U 020A
Pensford 032A and 033A
Woodford 030A and 031A

(Oakford 024A and 025A if used in the layout)

3. **Materials 1652.02.C – Materials layout**

The materials for the dwellings and other structures shall be as set out in the materials layout drawing 1652.02,## unless otherwise approved in writing by the Local Planning Authority.

4. **Section to neighbouring property.**

The development shall be undertaken in accordance with the finished floor levels shown on the drawing ###.###.

5. **Footpath connection**

No dwelling shall be occupied until the footpath connections have been formed in accordance with the details shown on drawings:

6036-FP-01 Connection to Stillington Road

6036-FP-02 Rev B Connection to Meadowfields Close

Thereafter the footpaths shall be retained and be maintained in accordance with the approved details to provide pedestrian, wheelchair access between the site and the adopted highway footway network.

6. **Renewable energy**

The renewable energy measures (indicative locations of solar panels) shown on drawing 1652.01 rev G shall be installed in accordance with the full details that have previously been approved by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
- 2 & 3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
4. To ensure that the approved dwellings relate appropriate to the neighbouring property.
5. To ensure that the development provides appropriate connection to the footpath network.

6. To ensure the on-site renewable energy generation capacity is installed in accordance with LDF Policy 34.

Informatives

1. 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 team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

Appeal Decision

Inquiry held on 27-30 October & 3 November 2015

Site visit made on 27 October 2015

by Ava Wood DipARCH MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 December 2015

Appeal Ref: APP/G2713/A/14/2217056

Land to the north of Stillington Road, Easingwold, YO61 3DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Hambleton District Council.
 - The application Ref:13/01703/OUT, dated 31 July 2013, was refused by notice dated 26 November 2013.
 - The development is described as : proposed residential development (use class C3) (upto 175 dwellings) with associated infrastructure and access, with all other matters reserved.
 - This decision supersedes that issued on 6 January 2015. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is allowed and planning permission is granted for proposed residential development (use class C3) (upto 175 dwellings) with associated infrastructure and access, with all other matters reserved, on land to the north of Stillington Road, Easingwold in accordance with the terms of the application, Ref: 13/01703/OUT, dated 31 July 2013, and subject to the 26 conditions set out in Annex B to this decision.

Procedural Matters

2. The main parties agreed that the reasons for refusal relating to provision of affordable housing, public open space, sports and recreation facilities, children's services and highway improvements could be addressed through conditions or via Community Infrastructure Levy (CIL) payments, in accordance with the Council's recently adopted charging schedule. While concerns around surface water disposal could also be overcome by condition, the main parties could not agree on whether it is necessary to address foul water disposal with a condition. I return to this matter later.
3. At the inquiry the Council did not therefore pursue reasons for refusal 3, 4, 5, 6 and 7. Mr Clarke appearing on behalf of the Easingwold Town Council and the Easingwold Neighbourhood Plan Steering Group, however, continued to press the case against the appeal development on the basis of concerns arising from impact on Easingwold's infrastructure and its drainage system. I consider these matters in due course.

4. The eighth reason for refusal is relevant to the manner in which the appellant consulted with and took on board the community's views on the application. Although the Council maintained an objection on that basis, I do not regard it as a determinant in this case and therefore have not identified it as a main issue.
5. At the inquiry the main parties referred to three recent appeal decisions within the Hambleton District; at Huby, Great Ayton and Stokesley¹. Given the recent dates of their issue, I have had regard to the decisions and agree that they are material to the appeal case.
6. The previous Inspector's quashed decision on this case, however, is of minimal materiality, other than in respect of matters of agreed evidence-based facts that have not been subject to change since that decision.

Main Issues

7. The main issues below broadly reflect the main areas for consideration identified in a pre-inquiry note. These are:
 - Is the Council able to identify a five-year supply of deliverable housing land?
 - Whether the proposed development should be regarded as sustainable.
 - If the Council is unable to identify a five year supply of deliverable housing land, whether other material considerations would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole.

Reasons

The Local Policy Framework

The Development Plan

8. The Hambleton Core Strategy (CS) (adopted 2007), the Development Policies (2008) and Hambleton Allocations (2010) comprise the development plan for the area.
9. CS Policy CP1 is a generic policy seeking to meet local development needs sustainably, and sets out a number of criteria designed to achieve that objective. CS Policy CP2 looks to direct development to locations that minimise the need to travel. The Inspector at Stokesley indicated that "*insofar as they seek to secure sustainable development, and to reduce the need to travel, [the policies] are consistent with the principles of the National Planning Policy Framework.*" In the absence of any notable changes in policy circumstances, those words still hold true and CS Policies CP1 and CP2 merit significant weight. The policies are identified in the CS as strategic spatial policies that take forward the District's Spatial Strategy. Of note are Spatial Principles 1 and 2; the former identifies the 'area of opportunity' to which most housing and employment related development is directed and the latter refers to Stokesley and Easingwold as 'areas of restraint'. Spatial Principle 3 proposes a

¹ Appeal refs: APP/G2713/A/13/2194376, APP/G2713/A/14/2218137 and APP/G2713/A/14/2223624 respectively

sustainable hierarchy of settlements headed by the Principal Service Centres, followed by the Service Centres and, lower down the scale, by Service Villages.

10. It was agreed at the inquiry that CS Policies CP4, CP5, CP5A, CP6 and Development Policies DP8 and DP9 are, at least in part, relevant to the supply of housing. As the scale of new housing set out in Policy CP5 is based on a constrained housing figure established in the revoked Regional Spatial Strategy (RSS), it is out of date. That much was agreed and the policy carries no weight in my considerations. Also agreed (and confirmed by the Stokesley Inspector) is that the exceptional case test element of CS Policy CP4 and Development Policy DP9 for development outside of development limits of identified settlements is inconsistent with the NPPF. The criteria-based aims of the policy seeking sustainable distribution of development are, however, consistent with NPPF principles.
11. Policy CP5A directs developments to the central parts of the district, including Northallerton, Thirsk and Bedale, with restraint to be exercised in the Stokesley and Easingwold areas. While there is general agreement between the parties that the sustainable objectives of the policy comply with NPPF principles, the appellant argues that the link with Policy CP5 renders it out of date. The policy was not cited by the Council in its reasons for refusal but was pursued as an argument against the development at the inquiry. Policy CP6 apportions at least 51% of the Policy CP5A targets to the Principal Service Centres of Northallerton and Thirsk, with at least two thirds directed to the Service Centres of Bedale, Easingwold, Stokesley and Thirsk, and their respective hinterlands. Development Policy DP8 affirms support for development within settlement Development Limits, and Development Policy DP9 covers development outside development limits,
12. Whether CS Policies CP4, CP5A and CP6 and Development Policies DP8 and DP9 are up to date and consistent with the NPPF is dependent on the Council's position with regard to the supply of deliverable housing sites.
13. The Statement of Common Ground identifies a range of other key CS and Development policies relevant to the delivery of affordable housing, design, countryside and the natural environment, biodiversity and heritage amongst others. I refer to them where relevant when considering particular aspects of the proposed development.

Other Local Policy Matters

14. The Council adopted an Interim Planning Policy Guidance (IPG) in April 2015, in recognition of the NPPF's approach to promoting sustainable development in rural areas. To that end, the IPG allows for greater flexibility and development of an appropriate scale in smaller settlements.
15. In December 2013 the Council removed the phasing policy for all allocated sites in an effort to bring sites forward for development more quickly.
16. The Council commenced a full Plan review in September 2014 with a view to replacing the current suite of documents with a Local Plan for the District. The emerging Local Plan is at an early stage of development and carries no weight in the determination of this appeal.
17. A draft of the Easingwold Neighbourhood Plan (ENP) is currently out to consultation, with an adoption date intended in March 2016. The ENP does not

alter the amount of development sought to be provided in the development plan documents. The development plan directs the amount and location of development. For that reason, and because of its early status, the relevance of the ENP to this appeal is limited.

Five-year supply of deliverable housing sites (first main issue)

18. In considering this issue I will follow the approach adopted by my colleagues in previous Hambleton appeals save for the task of determining the objectively assessed housing (OAN) need for the district. The main parties usefully agreed that the figure of 458 dwelling per annum (dpa), based on demographic and economic factors, is to be used as the OAN for the purposes of this appeal only. For the purposes of this appeal the following were also agreed :

- The five-year period considered in the analysis is 2015/16 to 2019/20.
- The backlog² of 744 is calculated over a period of three years from 2012/13. The backlog is to be met between 2015/16 and 2019/20 using the Sedgfield method.
- The District of Hambleton represents the most appropriate Housing Market Area (HMA).

Five-year Requirement

19. In establishing a figure for the district's actual annual requirement the parties diverged on the level of buffer to be added (5% or 20%), and whether the buffer should be applied to the requirement or to the total of requirement plus backlog. The other main source of dispute is whether a market signals uplift should be applied to the OAN.

20. The appellant presented four scenarios and estimated actual annual requirement ranging from 637 dpa to 934 dpa. These figures are based on buffers of 5% and 20%, with and without market signals uplift. The Council's preferred scenario (5% buffer added to OAN only) establishes an actual annual requirement of 630 dpa, or 637 dpa if the 5% was to be added to backlog and OAN. At my request, the Council also produced its calculations based on a 20% buffer.

5% or 20% buffer and its application

21. The NPPF trigger for applying the 20% buffer is a '*record of persistent under delivery of housing*'. The Planning Practice Guidance (PPG) recognises that the approach to identifying a record of persistent under delivery involves questions of judgments and that factors going into that judgment are not exhaustive.
22. At the Great Ayton appeal the parties agreed that 5% was appropriate. The Huby Inspector applied the same level of buffer, in the absence of evidence showing that low completion rates had been a product of housing land shortages, and because the recession might have been responsible for under delivery in more recent periods. My colleague at Stokesley concluded from data on annual net housing completions presented to him that "[O]n its face, prior to examining underlying considerations, this represents '*persistent under delivery*'." He went on to apply the 5% buffer, on the basis of measures

² The term 'backlog' was used by the main parties at the inquiry.

- adopted by the Council to boost supply and because there was no inherent shortage of sites with planning permission.
23. The appellant argues that once a record of persistent under delivery is established, paragraph 47 of the NPPF requires the 20% to be applied and leaves no room for discretion to do otherwise. Furthermore, it is said that the flexibility allowed for in the PPG go into the assessment of whether there has been persistent under delivery, and is not used to establish the level of buffer to be applied. That interpretation may well be correct and, in the case of Hambleton, there are a number of factors influencing whether the Council's record warrants the 5% or 20% buffer.
24. The data going back to 2004/05 shows net completions running above or close to requirements between 2005/06 and 2008/09 before declining from 2009/10 onwards. It is more than likely that the marked decline was due to the economic conditions during what has been a protracted and deep recessionary period. The Inspectors at Huby and Stokesley were similarly persuaded. This view is borne out by the net completions in the last year (2014/15) rising substantially above completions in recent years. There is also continuing and unchallenged evidence of divergence between permissions granted and completions since 2011/12, which goes some way to confirm that the Council has been granting permissions at rates that the industry has been unable to match. The situation at Hambleton is very different from the Aston Clinton appeal referred to by the appellant. In that appeal the outstanding permissions of 7,000-9,000 units referred to by the Inspector as "*very large numbers*" does not apply here.
25. With these factors in mind, and applying my judgement as advised in the PPG, I believe that the reasons for the under delivery are not due to the Council's inactions but more likely caused by factors beyond its control. Furthermore, the past under supply cannot be attributed to the shortage of sites with permission. Therefore, having regard to the evidence before me, the Council cannot be charged with a record of persistent under delivery. I side with the previous Inspectors' decisions to apply the 5% buffer. Furthermore, the recent measures adopted by the Council (removal of the phasing strategy and introduction of the IPG) would reinforce its ability to provide "*...a realistic prospect of achieving the planned supply...*" (paragraph 47 NPPF) without increasing the buffer to 20%.
26. My colleagues in the Great Ayton and Stokesley appeals explained why the buffer should be applied to the district's housing requirement once the backlog has been added on. Their explanations provide convincing justification, based on the evidence put to them, for adopting a position contrary to the approach used by the Secretary of State at Gresty Lane.
27. The Council's continuing preference for the latter approach relies on advice in paragraph 030 of the PPG, which refers to the housing requirement figures in the adopted Local Plan as the starting point for calculating the five-year supply. The CS figure is out of date, but the Council claims that similar advice applies to the OAN figure and that the buffer should be applied to that figure and not to any backlog. I disagree. Firstly, for the reasons explained by my colleagues and second, because the OAN is a 'starting point' and not the actual requirement against which the five-year supply of land is to be judged.

Market signals

28. Under Paragraph 17 of the NPPF (third bullet point), planning is expected to proactively drive and support sustainable economic development planning to deliver (amongst other forms of developments) the homes needed. It goes on to state that "*[P]lans should take account of market signals.*" Within the plan-making section of the NPPF Paragraph 158 further exhorts local planning authorities to take full account of relevant market and economic signals when working towards ensuring that their assessment of and strategies for housing, employment and other uses are integrated. The PPG sheds light on "*how market signals should be taken into account*" and advises (at paragraph 020) on how plan makers should respond to market signals.
29. The appellant's evidence identifies the adverse conditions in Hambleton in relation to:
- rates of development: under-delivery has occurred consistently since 2008-2009 against the constrained CS target, apart from the present year (2014-2015);
 - house prices: an upward trajectory has been experienced since 2009. Between 2010 and 2013, prices have risen by 14% in Hambleton as compared to 7% in England (excluding London) and 4% in North Yorkshire;
 - rental price: growth in rental price in Hambleton has outstripped the England average for 1, 2 and 3 bedroom properties;
 - affordability ratios: in Hambleton affordability has been consistently higher than the average for North Yorkshire and England and remained high in the past five years, while other areas have improved;
 - Overcrowding: the volume and proportion of overcrowded households and concealed families have worsened between the 2001 and 2011 census; with 29% of the 20-34 age group living with parents in Hambleton.
30. The Council pointed to recent trends showing permissions outstripping completions and therefore a surfeit of permissions in the system to meet the need for additional housing. While agreeing that affordability is an issue for many residents, the Council also responded that it had not worsened materially. Furthermore, it is said that a statistically robust method of assessing hidden households or overcrowded homes does not exist. The Council denies that a market signals uplift is an appropriate response in Hambleton, particularly as an assessment cannot be carried out rationally in the context of a s78 appeal and that PPG advice is directed at plan makers and not decision takers.
31. The appellant's data shows that, of the five indicators analysed, at least one, if not all, points to issues of affordability and an imbalance between supply and demand. The Stokesley Inspector similarly concluded that "*...there was an unambiguous indication of under supply relative to demand.*" There is no evidence that circumstances have altered to such an extent in a relatively short period of time to take a different view on the matter. From the material

- submitted, the likelihood is that the district falls into the category recognised in the PPG as requiring an upward adjustment to planned housing numbers.
32. Counsel for the appellant claims that in the event of worsening trends in any of the market signals indicators, an upward adjustment to planned housing numbers is mandatory. The words in the PPG that “*..worsening trend... will require upward adjustment...*” are said to leave no scope for discretion as to whether such an adjustment should be made. However, that interpretation of the guidance is far too literal, plus it elevates guidance to the force of policy.
 33. On the other hand, and with the *Hunston* judgment in mind, in circumstances of an outdated housing policy environment, a full and objectively assessed need in a s78 appeal implies a ‘policy off’ unconstrained figure as much as it would when establishing the OAN for plan making purposes. Broader planning constraints come in play when deciding whether permission should be granted. Where development plan policies are out of date, it falls to the decision-maker to come to a judgement of housing need, based on the best evidence available and inevitably includes a range of factors, including market signals. Whether the uplift should be seen as an additional step in the Hambleton OAN analysis or complementary to it is immaterial to the present case, for reasons I explain below.
 34. The PPG advises plan makers to increase planned supply “*by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period.*” The Stokesley Inspector rejected the concept of a market signals uplift on the basis that “*....such an ad hoc housing driven reaction, as opposed to an overall strategic response with employment and travel in mind, would run the risk of undermining the principles of securing sustainable development for the district as a whole.*” In other words, he was concerned that adding houses without consideration of the wider consequences would be an unwarranted reflex reaction.
 35. The appellant’s three different approaches to establishing an appropriate level of uplift results in annual requirements of 504, 512 and 565 dpa (before the buffer is added), with the last being favoured by the appellant. The basis for each approach is explained and derives from techniques used elsewhere. However, nowhere does the appellant explain the level at which the uplift would improve affordability without adverse consequences on sustainability. In the absence of a comparative HMA-wide consideration, there cannot be an informed analysis of the extent to which the scale of additional homes is deliverable within the economic, social or environmental cornerstones of sustainability. Plainly these are key factors to which regard must be given, in the interest of consistency with sustainable principles and to avoid the sort of ad hoc, reflex reaction the Stokesley Inspector was seeking to guard against.
 36. In effect, the evidence provided is not sufficiently comprehensive to come to an informed view on the appropriate amount of increase to apply, should it be considered necessary in the case of Hambleton. As it happens, excluding a market signals uplift from the calculations has no bearing on the Council’s five-year supply position or the outcome in respect of this appeal.

Conclusion on the five year and annual housing requirement

37. Given all of the above, the actual annual housing requirement I intend using for the purposes of this appeal is 637 dpa³, which accords with the Council's scenario based on the 5% buffer added after the backlog, and the appellant's version of the same but with no market signals uplift.

Deliverable housing land

38. Delivery of new homes is expected to come from three sources: allocated sites without planning permission; allocated sites with planning permission and windfall sites.

Allocated site without planning permission

39. The Council and appellant remained in dispute over the numbers likely to be forthcoming from eight sites from this likely source of supply. From the evidence and discussions at the round table session, my views on each of the disputed sites are as follows:

- Aiskew - Sites 765 and 767: The Council predicts a total rate of 110 from Sites 765 and 767 at the Pig Farm and land to the north east of it. The Council informed me that Linden Homes are in the process of preparing a full application for the former. The developers are active in the area and there is every possibility that 70 could be achieved within the five-year timescale from Site 765. There is no indication as yet of an application forthcoming for Site 767. For that reason, the Council's figure of 40 dwellings is overly optimistic. I have adopted what is a more realistic figure of 20 units, given the planning and development stages still to be completed.
- Aiskew - Site 762: An outline application for Site 762 is scheduled to be considered by committee in November 2015. The project is currently led by an agent and the number of steps that still need to be taken suggests a later lead-in time than the 2017/18 anticipated by the Council. The expectation of delivery of 75 dwellings from this source before the end of the five-year period is optimistic for that reason. I am more inclined to accept the appellant's figure of 55 units from this source.
- Snape - Site 775: This site is currently in use and occupied by stone merchants. Despite the Council's confidence that the owners wish to relocate to alternative premises, the site is not available now. Given the stages that still remain to be taken (including a buyer willing to purchase the site at a price acceptable to the current owner as well as relocation of the current use), delivery of new dwellings before 2019/20 is unlikely. My view is that 10 rather than 20 units would be a more likely figure for the five-year period.
- Brompton - Site 799: The Hubby Inspector described the site as challenging but recognised there was clear developer interest at the time. He concluded that 20 dwellings within the supply period was not an unrealistic expectation. The landowner is currently pursuing discussion with two sets of planning agents. The access issue is likely

³ 5 year requirement = 2,290 (458 x5) + 744 (backlog) + 5% = 3,186/5= 637 dpa

to be resolved and I can see no real impediment to the delivery of the 19 (net) dwellings anticipated from this site.

- Northallerton - Site 787: The Council submitted an email (dated 23 October) from planning consultants expressing the landowners' enthusiasm for progressing an outline application, and looking to enter into pre-application discussions. I understand that the contents of the email are little different to the evidence provided when the site was considered at the Stokesley appeal in June. Nothing in the evidence submitted leads me to a different view from my colleague who claimed that the "*...lead-in time to bring the site to the market and/or deliver new homes appears to undermine the reality of delivering any of the 72 dwellings within the period.*" The 90 dwellings anticipated by the Council should similarly be excluded from the calculations.
- Stokesley - Site 803: The Council confirmed that Taylor Wimpey will be submitting a planning application. With this information in mind, I agree that the site could readily bring forward 10 dwellings in 2016/17. A build-out rate of 35 dpa in subsequent years is not unreasonable, given the reputation and experience of the developer involved. The Council's estimate of 99 is reasonably realistic.
- Thirsk - Site 811: The Council promised more details from the agent but none was forthcoming before the inquiry closed. Without evidence of developer involvement or an application forthcoming for this site, it is difficult to be optimistic of delivery in the order of 20 and 25 homes from 2018/19 onwards. The 45 dwellings predicted by the Council have not therefore been included in the five-year supply.

40. In the light of the above, the total number of dwellings likely from the allocated sites without planning permission reduces the Council's estimated figure of 1,202 by 185 to 1,017.

Allocated sites with planning permission

41. By the end of the inquiry there were two disputed sites, considered below:

- East Cowton - Site 800: Permission for development on this site was granted for five years and expires in August 2016. The Council was confident that drainage issues that might be preventing development from proceeding would be resolved but presented no evidence to support that claim. I understand that for the purposes of the Stokesley inquiry no new homes were expected from this site over the five-year period. The material submitted does nothing to suggest that circumstances have altered sufficiently since June of this year to alter the prospects of delivery from the site, despite the extant permission.
- South west Thirsk area - Site 808 - The difference of 52 dwellings between the parties is down to lead-in times and build-out rates. The land is serviced and will speed up delivery; so this final phase of development of Site 808 is likely to yield completed homes by 2016/2017. Delivery rate of 35 dwellings per year may be the norm for this district, but build-out rates above this number have been achieved in recent years. Given that two national developers already active in this area are likely to be developing the site, there is a

realistic possibility of the 45 dpa build-out rate envisaged by the Council.

42. The total number of homes likely to be realised from allocated sites with planning permission is 45 less than the 1,105 dwellings envisaged by the Council. The number to carry forward to the land supply calculations is therefore 1,060.

Windfall sites

43. There is no dispute that delivery of new homes from windfalls is a feature of the district and, in accordance with the NPPF, an allowance should be made for this source of supply.
44. A figure of 384 net completions from windfall sites with planning permission was agreed. The parties however diverged on the annual supply from unidentified windfalls – 460 from the Council as opposed to the 193 envisaged by the appellant. The latter is based on the Council's historic track record over the past three years and assumes a rate of 100 dpa in years 2016/17-2019/20. The Council's total from all windfalls (less 10% non-implementation rate) amounts to 844 dwellings and the appellant's equivalent is 577 dwellings.
45. At the Stokesley appeal the Council considered it appropriate to apply a 'conservative' windfall estimate of 100 dpa to the housing supply calculation. The Inspector at Great Ayton also adopted the 100 dpa figure. The 150 dpa now proposed by the Council is attributed to a number of factors.
46. The data submitted shows that permissions were granted on windfall sites at an average rate of 258 per year in the last three and a half years. Some 26 units were permitted this year alone since the adoption of the IPG in April, and conversions under permitted development rights are expected to add to windfall numbers. These are encouraging signs demonstrating the effectiveness of the Council's policy direction, as well as its continuing support for new developments.
47. However, permissions do not necessarily translate to completions. The policy changes could indeed bring forward smaller sites in greater numbers, but the recent reversion in national policy with regard to provision of affordable housing on small developments could moderate the numbers forthcoming. It is too early to rely on the effects of the IPG or the data from the first quarter of 2015/16 to justify the scale of increases from windfall contributions now estimated by the Council. The evidence does not adequately support the change from the approach adopted at the Stokesley inquiry. I am therefore adopting the appellant's more conservative estimate of 577 units as the windfall allowance.

Conclusions on first main issue

48. I estimate that the total supply of deliverable land over the agreed five-year period amounts to 2,654. When measured against a requirement of 637 dpa (or 3,185 over five years) this results in a supply position of just over four years (or 4.17 years). The figure falls below five years by a greater margin than estimated by my colleagues at Great Ayton and Stokesley, but my calculations are based on the evidence put before me which differs in some respects to those presented at previous appeals. It has to be said that the Council's own assessment (based on the advised method of applying the 5%

buffer) falls marginally below five years (4.94 years), which confirms that the challenge of significantly boosting the district's supply of housing is not being addressed sufficiently.

49. Having concluded that a five-year supply of deliverable housing sites cannot be demonstrated, the relevant policies for the supply of housing cannot be considered up to date. It follows that, in accordance with paragraph 14 of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Before undertaking this planning balance, it is necessary for me to look at the sustainability aspects of the proposed development.

Sustainability (second main issue)

50. The NPPF identifies the three dimensions to sustainable development: economic, social and environmental. These are considered below separately, but recognising that the economic, social and environmental roles should not be undertaken in isolation, because they are mutually dependent.

The economic role

51. As acknowledged by the Council, construction jobs (60 full time equivalent jobs over the build period) and the potential for increased spending would bring economic gains to the area. The New Homes Bonus payment would also add to the local economy. Mr Clarke and other third parties argued that only limited value to the town occurs during construction, as evidenced from recent developments, and that new households do little to boost the fortunes of traders operating in Easingwold. The gains might not all be captured in Easingwold, but the development would bring benefits to the local and wider area. The proposal would contribute to the area's economy, which should be accorded positive weight in the planning balance.

The social role

52. The clearest social benefits of the proposal are the opportunities for boosting the area's supply of market and affordable housing. At least 50% of the homes would be affordable, in line with CS Policy CP9 and Development Policy DP15. This would represent a significant gain in a district with a net requirement of 320 affordable homes per annum and a shortfall year on year since 2004/05. Adding to the district's supply of homes in the circumstances of a deficit carries substantial weight in the overall balance.
53. The provision of a mix of house sizes, types and tenure intended would accord with CS Policy CP8 and Development Policy DP13. The layout offers the opportunity for improved linkages with existing footpaths in compliance with CS Policy CP2, which is a benefit to be carried forward into the balance. The areas of open and play spaces to be provided (as indicated on the illustrative masterplan) are necessary to meet the needs of the development and comply with CS Policy CP19 and Development Policy DP37. However, use of the open spaces by the wider community would bring with it a modest benefit to be considered in the balance.
54. The Council and third parties refer repeatedly to the range of new housing developments that have already taken place or are forthcoming in the Easingwold sub-area. Pressure on local services and infrastructure is a

significant source of objection by a number of third parties, mainly Easingwold residents and the Town Council. Recent developments are said to be eroding the character of the town and undermining its already strained services. Local GPs feel that the current local health service is ill-equipped to cope with the additional demands placed on it, although Mr Wood for the Council confirmed that the Clinical Commissioning Group had not called for additional health services to be provided.

55. The Council has a CIL charging schedule in place and the proposed development would make the necessary contribution through that levy. The intention of CIL is to allow authorities to secure financial contributions for community infrastructure, using a tariff based approach. The Council is responsible for directing the levy where it is needed, including health services. The developer is not expected to address the inadequacies in existing services, but to pay an appropriate levy to provide infrastructure to support the development of an area. In this case, the appellant has complied with the Council's CIL charges and will be contributing the appropriate amount to mitigate its impact on infrastructure.

The environmental role

56. Inevitably harm would occur from loss of an area of countryside and of land that, in part, comprises Grade 3a best and most versatile agricultural land. In those respects the proposal would conflict with CS Policy CP16 and Development Policy DP30.
57. Having concluded that there is a need to identify land for additional housing in the district, there is no suggestion that it could all be accommodated on previously developed land or land of lower agricultural quality. There is no evidence that development on the appeal site would harm the economic prospects of an agricultural holding. Loss of this piece of agricultural land is a negative aspect of the proposal, but in the circumstances carries only modest weight against the project.
58. The Council raises no objections to the scheme in terms of its visual or landscape impacts. The site comprises four arable field parcels abutting the built up edge of the town and lying to the north of Stillington Road. Buildings to the west of the site are mostly residential, C20 and of little architectural merit. The character of the landscape to the north and east of the site is typical of the Landscape Character Type 'Small Scale Remnant Field Pattern' of flat, large, open and exposed landscape. While the appeal site may be valued locally for its location in the countryside, it is not designated or recognised for its landscape or ecological qualities. Loss of this piece of greenfield land would not undermine the essential landscape character of the area, and harm in that respect would be limited.
59. The new development would be clearly visible in the approach to Easingwold from the east. It would be seen as an extension to the town - an urban form replacing arable fields. From the public footpath running alongside the site's northern boundary the change would be even more marked, albeit softened by the landscape strategy intended. Having accepted that some loss of countryside is inevitable in meeting the district's need for additional homes, the visual changes brought about by a residential development on 6 hectares of arable land would be unavoidable. Nevertheless, loss of countryside amounts to an environmental shortfall in policy terms, and for the visual impact that such a

- loss would engender. The matter weighs against allowing the proposed development.
60. Furthermore, the Design and Access Statement (DAS) does not fill me with confidence that the scheme envisaged would deliver a high quality environment or take the opportunities available for improving the character and quality of the area and the way it functions. Retaining existing features such as hedgerows and trees and creating a green infrastructure fits well with the aim of establishing a sense of place. Linking the development with the existing footpath would give the layout a degree of permeability and connection to existing developments. However, there is not much else in the illustrative layout or the intended architecture that could be described as inspiring or above the ordinary. The scheme lacks ambition and, if implemented in the way featured in the DAS, would fail to provide this gateway site to the town the high quality design outcome it deserves.
61. That said, as design, scale, layout and landscaping are reserved matters the criticisms I have of the scheme need not weigh against the project at this point. The reserved matters stage provides an opportunity to bring forward a design that would truly represent a development of some standing. High design standards are a policy requirement (CS Policy CP17 and Development Policy DP32) and not a benefit that would count in favour of the proposed development.
62. Residents are concerned about the town's character changing due to an influx of housing developments in recent years. However, the Council accepts new homes are required to meet the district's needs. As a Service Centre, Easingwold would be expected to accommodate a proportion of the additional houses required to meet those needs.
63. Retention of existing trees and the landscaping enhancements envisaged would be necessary to mitigate the impacts of the development. That no harm would be caused to features of historic, archaeological or ecological interest is not a benefit of the scheme but a requirement of policy (Development Policies DP28, DP29 and DP31), and carries neutral weight in the overall balance.
64. The Council withdrew its objections on drainage grounds. Local residents and the Town Council, however, maintain that the proposal would increase the risk of flooding, which already occurs due to an overloaded combined foul and surface water drainage system. Recent flooding in residents' homes and gardens, evidenced by the photographs included in written representations, raises real concerns about adding to a system that may not have the capacity to accommodate new developments.
65. Yorkshire Water withdrew its initial objections to the proposed development on the basis that recent maintenance works at its waste water treatment site has increased capacity in the system. It confirmed that the foul water drainage from development of the appeal site is capable of being accommodated within the upgraded system. Furthermore, with measures in place to secure a sustainable surface water drainage system, the appeal development would not add to problems in the network nor increase the risk of flooding.
66. The new development would be within easy access of a range of day to day essential facilities and services available in Easingwold. The employment and shopping opportunities further afield would be no more or less accessible by

different modes of transport than currently enjoyed by residents occupying existing homes on Stillington Road, including those currently under construction. The proposal would be consistent with the tenor of Spatial Principle 3 and CS Policies CP4 and CP6, which are relevant insofar as they direct developments to locations along the lines of the settlement hierarchy strategy established in the CS. A Travel Plan (secured by condition) would encourage a sustainable travel pattern for residents, in accordance with Development policy DP3.

67. On the face of it, the development would fall foul of Spatial Principle 2 and its application to the Easingwold area as an 'area of restraint'. However, at the inquiry the Council confirmed that, due to the effectiveness of its policies, concerns about commuting patterns no longer applied, which was the purpose of identifying Easingwold and Stokesley as 'areas of restraint'. There is no evidence to show that the proposal would undermine that improving position or give rise to unsustainable commuting patterns.
68. The Highways Statement of Common Ground confirms that there are no capacity issues on the local network to warrant refusal of the development. With an appropriately designed access point to serve the development and implementation of off-site works at the Stillington Road/York Road junction for safety reasons, the proposal would be acceptable on highway grounds.

Conclusions on sustainability, compliance with the development plan and the planning balance (third main issue)

69. The proposal would deliver economic gains from a number of sources, including construction-based employment, New Homes Bonus and increases in local spending, although not necessarily all to the benefit of Easingwold. Delivery of affordable and market homes would comprise the most significant social benefit, particularly in the circumstances of the Council's current shortfall in housing land to meet the district's needs. The loss of Grade 3A agricultural land and development extending into the countryside count against the proposal on environmental grounds, albeit that the harm in agricultural terms would be limited and there is potential for the design to mitigate some of the landscape and visual impacts of the development.
70. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration of some substance.
71. The proposal would comply with the general development management policies of the development plan should the principle of development in this location be regarded as acceptable. It would be broadly consistent with the underlying spatial principles of CS Policies CP1 and CP2. As CS Policy CP5 is out of date, and in the light of my conclusions on the Council's five-year supply position, it follows that the restraining functions of CS Policies CP4, CP6 and Development Policies DP8 and DP9 should also be set aside. Similarly, the relevance of Policy CP5A is questionable, given that it flows from Policy CP5 and a superseded housing target for the district. In the absence of the Council's inability to meet its present needs, a growing year on year affordable housing shortfall and without an up to date total housing annual target in the development plan, the claim that the proposal would lead to an oversupply of housing in Easingwold cannot be supported.

72. Turning then to the overall planning balance and the requirements to determine this appeal in accordance with the development plan. The social and economic benefits of the scheme are considerable and sufficient to outweigh the adverse impacts identified. The conflict with the relevant and up to date policies of the development plan would be limited to CS Policy CP16 and Development Policy DP30 covering loss of countryside and of best and most versatile agricultural land. In all other respects the proposed development would comply with the development plan, and with the policies of the NPPF taken as a whole. In the light of all that is said above, I regard the proposal as sustainable development.

Community Involvement

73. The Council pursued its eighth reason for refusal on the basis of the appellant's failure to work closely with the community and evolve the design by taking account of the views of local people. There was no dispute that consultations had taken place but the Council's complaint is that there was no engagement beforehand to agree the nature of the consultation to be undertaken. Furthermore, as there was very limited public interest in the exercise and the appellant did not respond to relevant comments, the Consultation Statement should be given little weight.
74. The pre-application level of engagement may not meet the Council's standards but paragraph 66 of the NPPF encourages close working with those directly affected by the proposal; it is not a requirement. In any event, I am satisfied that members of the local community have had a number of opportunities to present their views through the application and appeal processes. Many of the points raised in the representations have been addressed in this decision. The issue of claimed inadequacies in the pre-application consultation exercise, therefore, carries little weight in my considerations.

Planning Conditions

75. A list of suggested conditions was circulated before and during the inquiry, all bar one of which was agreed between the main parties. The reasons for imposing conditions are recorded below and where necessary the wording has been modified for clarity or to accord with advice in the PPG.
76. As an outline application, a condition to secure the submission of reserved matters is necessary. To ensure that the proposed development delivers new homes as soon as possible, the time limits for submission of reserved matters and implementation on site have been reduced; the timings are the same as those accepted in the Stokesley decision.
77. For the avoidance of doubt and in the interest of proper planning, a condition identifying the application plans is included. The plans listed include details of the access and off-site highway works. In the interest of achieving a high quality scheme, it is necessary to secure a detailed Landscape Masterplan and Strategy to accord with the principles in the DAS. A phasing scheme is necessary for a properly planned and co-ordinated development. To limit the scope of the permission to that applied for, and considered in the evidence, the number of dwellings is not to exceed 175.
78. The provision of 50% affordable housing is necessary to accord with CS Policy CP9 and to contribute to the district's needs. In the interest of providing a mix

of housing types, and as required by CS Policy CP8 and Development Policy DP13, a condition is imposed securing a minimum of 10% two bedroom single storey dwellings.

79. To achieve a high quality, secure and energy efficient environment, conditions are necessary to address boundary treatments, Secured by Design principles, provision of on-site amenity space (including play facilities) and to ensure that at least 10% of the development's energy supply would come from renewable sources. In the interest of preserving the site's biodiversity, a suite of conditions are imposed to identify and protect roosting bats and habitats of breeding birds.
80. There was no disagreement over the need to impose a condition covering surface water drainage, given local ground and drainage conditions. The Supplementary Foul Drainage Statement of September 2015 confirms Yorkshire Water's position that there is adequate capacity in the system. There would be adequate time for the statutory authority to take the necessary measures to satisfactorily accommodate the new development, and a condition along the lines suggested is not required.
81. A condition is necessary to establish and counter the possible presence of contamination in the ground. The wording has been modified and is similar to the condition imposed in the Stokesley decision. Another condition is imposed to investigate and provide, if necessary, a programme for works to be undertaken in relation to archaeological remains.
82. To ensure that neighbouring properties, residents and highways users are not unduly affected by construction of the development, a condition is included requiring the construction works to be undertaken in accordance with an approved Constriction Method Statement.
83. A Travel Plan was submitted by the appellant. Securing the Plan with a condition is necessary, in the interest of maximising use of sustainable transport choices. The Highways Statement of Common Ground identifies the details of on-site and off-site highway works, including a programme for the works to be approved before development commences. In the interest of the safety and convenience of highway users, it is necessary to secure these details by condition and ensure that the development is completed in accordance with the approved details. The wording has been adjusted for clarity or to avoid repetition of other conditions.
84. The York Road/Stillington Road priority junction is proposed to be converted to a mini-roundabout. The works are necessary to reduce speed along York Road and improve road safety. The wording of the suggested condition has been modified for clarity. Furthermore, there is merit in Mr Clarke's suggestion for changing the wording to ensure that no dwelling is occupied before the necessary off-site works are completed. Given the importance of the roundabout for highway safety reasons, a separate Grampian-type condition is imposed.

Conclusions

85. For the reasons explained, I am allowing the appeal subject to the 26 conditions, attached at Annex B, and find that no other matters either

individually or collectively alter the balance of my considerations or weigh against my decision.

Ava Wood

Inspector

Annex A

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton of Counsel	Instructed by Hambleton District Council
He called	
Mark Harbottle BSc	Head of Service for Planning and Housing,
MRTPI	Hambleton District Council
Tim Wood BSc MRTPI	Development Manager (South), Hambleton
	District Council

FOR THE APPELLANT:

Satnam Choongh of Counsel	Instructed by Gladman Developments Limited
He called	
Darren Wisher BA MA	Managing Director, Regeneris Consulting
(Econ)	
Mark Johnson BSc	Managing Director, Johnson Brook, Planning and
MRTPI MRICS	Development Consultants

INTERESTED PERSON:

Michael C Clarke CEng MICE	On behalf of Easingwold Town Council and
MIMMM	Easingwold Neighbourhood Plan Steering Group

ROUND TABLE APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Jonathan Easton
Mark Harbottle
Tim Wood
Fred Pippett
H Langler

FOR THE APPELLANT

Satnam Choongh
Mark Johnson
Richard Mowat

DOCUMENTS SUBMITTED AT THE INQUIRY

ID No	Date	Title	Submitted by
1	27/10	List of addressees consulted on the appeal	HDC
2	27/10	Appeal Decision 2212604, Sandbach	GDL
3	27/10	Opening statement on behalf of appellant	GDL
4	27/10	Opening statement on behalf of HDC	HDC

5	27/10	Summary of Mr Clarke's statement to the inquiry	Mr Clarke
6	27/10	Letter from Easingwold Town Council (dated 22/9/15) regarding drainage concerns	Mr Clarke
7	27/10	Easingwold Neighbourhood Plan, draft consultation September 2015	Mr Clarke
8	28/10	Joint note prepared by HDC and GDL	HDC/GDL
9	28/10	Mr Harbottle's revised Appendix 1, Gross new permissions	HDC
10	28/10	HDC 5 year supply position	HDC
11	28/10	GDL 5 year supply position	GDL
12	28/10	HDC Housing Supply Summary as at 30/9/15	HDC
13	28/10	Email from Mr Peach to Mr Peter Jones, regarding Site BH9, Leeming Bar, dated 19/10/15	HDC
14	28/10	Letter to HDC, dated 20/10/15, regarding Site BM3, Statin Yard, West Tanfield	HDC
15	28/10	Email, dated 23/10/15, from Barton Willmore regarding Site NM5C, Northallerton	HDC
16	28/10	Extract from Applicant Questionnaire (in response to call for sites) regarding Site SH2, north of Sowerby Crescent	HDC
17	28/10	Appeal decision, 2228762, Mickleton	HDC
18	28/10	Dwellings gained by relaxation of phasing policy	HDC
19	28/10	Evidence before Stokesley inquiry in relation to permissions and completions 2010/11 – 2014/15	HDC
20	29/10	Extract from MJ evidence to Stokesley inquiry	HDC
21	29/10	Response from Mr Holliday to Inspector's questions	GDL
22	3/11	List of suggested conditions agreed between the main parties	HDC/GDL
23	3/11	Appellant's note on why no foul drainage condition is necessary	GDL
24	3/11	Closing submissions on behalf of local planning authority	HDC
25	3/11	Closing submissions on behalf of the appellant	GDL
26	3/11	Copy of judgment Solihull MBC v Gallagher Estates Limited and Lioncourt Homes	GDL

Annex B

Schedule of Conditions

Approval of Details

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. The development hereby permitted shall be carried out in general accordance with the details shown on:
 - a) Development Framework Plan – Drg. No. 5566-L-01 Rev D.
 - b) Proposed Access – Drg. No. 0397.01 Rev C (Croft Transport Solutions – Proposed Site Access Arrangement).
 - c) Proposed mini-roundabout Drg No. 0397.02 (Croft Transport Solutions – proposed mini-roundabout Stillington Road/York Road).
3. The development hereby permitted shall comprise no more than 175 dwellings.

Timing of Implementation

4. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 18 months from the date of this permission
5. The development hereby permitted shall be begun either before the expiration of:
 - a) 18 months from the date of this permission; or
 - b) 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Phasing

6. Prior to commencement of development a scheme outlining the phasing of development, including a site layout plan identifying land uses such as formal and informal open space, hard and soft landscaping, pedestrian and cyclist access routes and infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Landscaping

7. The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy (Framework Plan Drg No 5566-L-01 Rev D) to demonstrate that the landscaping proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site. The Landscape Masterplan and Strategy shall be implemented in accordance with the phasing details approved under Condition 6 above.

Archaeology

8. No development shall take place within the application site until a written scheme of archaeological investigation including the methodology of

further investigation works and a programme for the works to be undertaken (the Archaeological Scheme) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with Archaeological Scheme.

Affordable Housing

9. The development shall not begin until a scheme for the provision of affordable housing as part of the development, (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The Affordable Housing Scheme shall include:

- a) the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 50% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council
- b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of 75 open market dwellings on the site;
- c) the arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council; the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Housing Mix

10. A minimum of 10% of the dwellings on the site are to be two bedroom single storey dwellings.

Construction Method Statement

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a) the hours of work
 - b) the parking of vehicles of site operatives and visitors
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials used in constructing the development

- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f) wheel washing facilities
- g) measures to control the emission of dust and dirt during construction
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works
- i) means of protection of trees and hedgerows during site preparation and construction; and
- j) access arrangements for emergency vehicles during the construction phase.

Surface Water Drainage

- 12. No development shall take place until details of the surface water drainage works for the development as a whole have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works required for that dwelling have been implemented in accordance with the approved details.
- 13. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a) timetable for its implementation, and
 - b) management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Ground Contamination

- 14. No part of the development shall commence on site unless and until:
 - a) a site investigation has been designed for the site using the information obtained from the desktop investigation (Phase 1 (Desk Study) Investigation Report). This shall be submitted to and approved in writing by the Local planning Authority prior to the investigation work being carried out on site;
 - b) the site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority; and
 - c) a method statement and remediation strategy, based on the information obtained from b) above, including a programme of works, have been submitted to and approved in writing by the Local planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

Biodiversity

- 15. Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for

implementation, are to be submitted to and approved in writing by the Local Planning Authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.

16. Before any development or other operations commence, and within one month of the planned commencement of works, an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist. A copy of the assessment report shall be submitted to the Local Planning Authority and any necessary mitigation plan shall be agreed, implemented, and if necessary maintained in consultation with Natural England, and confirmed in writing by the Local Planning Authority.
17. No tree/shrub clearance works shall be carried out on the site between 1st March and 31st August inclusive, unless the site is surveyed within the period for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Boundary Treatments

18. The development shall not commence until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
19. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with Condition 18 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
20. No part of the existing boundary hedges of the site shall be uprooted or removed or be reduced below a height of 1.5 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

Secured by Design

21. The reserved matters submission shall include details that show how 'Secured by Design' principles have been incorporated into the scheme. Once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved. The Secured by Design principles shall include measures to be implemented during the construction phase.

On-site amenity space, children's play and young people's facilities

22. The development hereby permitted shall not commence until a scheme for the provision of on-site amenity space, children's play and young people's facilities, including a timetable for implementation, management plan and arrangements for future management, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and managed in perpetuity in accordance with the approved details and thereafter retained.

Sustainable Energy

23. At least 10% of the energy supply of the development shall be secured from decentralised and renewable sources or otherwise through design measures. Details of physical works on site, shall be submitted to, and approved in writing by the Local Planning Authority as part of the reserved matters submissions. The approved details shall be implemented in accordance with the approved timetable and retained thereafter.

Travel Plan

24. No dwelling in the development hereby approved shall be occupied until a Travel Plan based on the Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan co-ordinator, who shall be in place until 5 years after the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the approval of the Local Planning Authority at intervals no longer than 18 months. The measures contained within the approved plan and any approved modifications shall be carried out in full.

Highways

25. No development shall take until details of the proposed highway layout and construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details. The details shall include but not be limited to:
- a) Road construction;
 - b) Lighting;
 - c) Independent Stage 2 Safety Audit carried out in accordance with HD19/03 – Road Safety Audit or any superseding regulations; and
 - d) A programme for completion of the works.
26. No development shall take place until a scheme of highway improvements comprising a roundabout at the junction of York Road and Stillington Road has been submitted to and approved in writing by the Local Planning Authority. The highway improvements shall be completed in accordance with the approved scheme before the first dwelling is occupied.

End of Conditions