

**Parish: Sowerby**  
Ward: Sowerby & Topcliffe  
**13**

Committee Date: 12 October 2017  
Officer dealing: Mr T J Wood  
Target Date: 26 July 2016  
Extension of time: 19 October 2017

**16/00950/FUL**

**Residential development of 25 bungalows and associated works following demolition of warehouse buildings, access from Victoria Avenue  
At Former Buffer Depot, Sowerby  
For Blue Oak Homes (Yorkshire) Ltd.**

**This application is referred to Planning Committee as the application proposes development that differs from the requirements set out in the Allocations Document of the Development Plan and requires consideration of the planning balance of development viability, housing mix and access arrangements**

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

- 1.1 The site is situated at the western end of Victoria Avenue and north of Melbourne Place, with the more recent Admiral's Court development to the west. The land to the north of the site is occupied by a large industrial unit (Power Plastics) with residential properties on Racecourse Mews beyond.
- 1.2 The application site extends to approximately 1.037 hectares and is currently occupied by a large depot building and associated external hardstanding. The building is last recorded to have been used during the Foot and Mouth outbreak in 2001 as a distribution centre. The northern boundary of the site is currently delineated by a mature hedge, whilst there are a small number of trees/shrubs located around the site. The site is generally overgrown.
- 1.3 The site is currently accessible from Melbourne Place, a private road. It is not proposed that this be retained as a regular vehicular access to the site but instead as an emergency vehicular access and a permanent pedestrian access.
- 1.4 The site lies beyond the boundary of the Thirsk and Sowerby Conservation Area which abuts the southern side of the application site.
- 1.5 The application relates to the southern half of a site covering 2.84 hectares allocated for housing development under LDF Policy TH2 (Depots, Station Road, Thirsk). Policy TH2 states that the land is allocated for housing development subject to:
  - (i) Development being at a density of approximately 10 dwellings per hectare, resulting in a capacity of around 30 dwellings (of which a target of 40% should be affordable);
  - (ii) Types and tenure of housing developed meeting the latest evidence on local needs;
  - (iii) Access to be taken from Racecourse Mews;
  - (iv) Provision of appropriate junction improvements with Station Road;
  - (v) Contributions from the developer towards necessary infrastructure improvements including footpath links to the Town Centre and better drainage facilities; and
  - (vi) Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.
- 1.6 The application proposes 25 bungalows on the site for the over 60s controlled by condition. The applicant's design and access statement highlights that the scheme is laid out around a central communal area with a small cul-de-sac to the south west of

this. The landscape throughout the whole site is communal and there would be no private gardens other than a patio/garden area of about three metres width to the rear of each unit. A parking space would be laid out in front of each unit. Revision to the layout of the site has relocated a visitor parking area from near the entrance to the site to the central communal area. The road layout provides a turning area which could also be used by residents of Victoria Avenue. Vehicular access to the site is proposed from Victoria Avenue to its east boundary via an extension to the road. Use of the emergency access from Melbourne Place is shown to be controlled by removable bollards.

- 1.7 The applicant also proposes upgrades to Melbourne Place to improve conditions for existing residents and to promote it as an attractive pedestrian and cycle route for future residents.
- 1.8 Other than the three metre wide areas to the rear of each unit mentioned earlier, all open areas within the development would be communal. Much of it would be grassed, with areas to the front of the units planted, though the details of the planting scheme are not supplied. The central area is intended to be a meeting area for the residents. As such there would be a patio area at the centre with tables and chairs. Around this would be grass and a number of benches. Trees would be planted in this area and shrubbery would be positioned around the parking spaces.
- 1.9 With regard to the management of the development it is indicated that each bungalow, including its dedicated garden/patio area and parking, would be sold on a long leasehold basis, or as a freehold with a ground lease, and would be subject to a service charge agreement. Furthermore, terms of sale of each bungalow would not allow them to be extended. Ownership of the communal areas and soakaways would be retained by the developer to ensure continuity of access for maintenance. The applicant advises that the service charge would be used to manage and maintain the upkeep of the landscaped communal areas and the soakaways. It is anticipated that the maintenance regime would include weekly landscaping and maintenance of landscaped communal areas and visitor parking (as per seasonal requirements) and annual inspection and maintenance of soakaways.
- 1.10 The applicant has also produced a detailed technical note on highway access and a viability report to support a contribution to affordable housing lower than the 40% required by Development Plan policy, which is discussed later in this report.

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

### The application site

- 2.1 2/98/139/0272C - Certificate of lawfulness for storage and distribution (Use Class B8) relating to the site including the 2,350sqm building; Granted 25 February 2000.
- 2.2 12/01556/FUL - Demolition of 1 dwelling and depot building and construction of 47 dwellings with associated access, parking, public open space and landscaping; Refused 25 February 2013, Appeal Dismissed 6 August 2013.
- 2.3 The application included 33a Admirals Court, which would have been demolished to facilitate a new vehicular access from that road. The appeal Inspector noted that much of the dense development along the western and eastern edges of the site would integrate poorly with the existing neighbouring development and appear unduly cramped. The Inspector concluded that this harm would be made worse by the fact that the small area of on-site public open space would be of very poor quality and so have poor levels of amenity.

- 2.4 In relation to the access, the principal concern was the impact on living conditions in Admirals Court, a short, narrow cul-de-sac that currently carries a small amount of vehicular traffic. The Inspector agreed that 47 dwellings would generate a significant increase in traffic along this quiet road and those leading to it, resulting in harmful levels of noise and disturbance to residents.
- 2.5 The Inspector concluded, on the basis of the submitted viability assessments, that if the developer were to provide 40% affordable homes and the full amount of planning contributions sought by the Council, there would be insufficient incentive for them to build or for the owner to sell the land. This would fail to achieve the delivery of this site for housing development. Therefore, the inspector found, on balance, that the proposal made appropriate provision for affordable housing, education and public open space contributions; having regard to the evidence on viability.

#### Adjacent land

- 2.6 12/00170/FUL - Construction of six dwellings with associated parking and landscaping (on land to the north); Granted 2 July 2013
- 2.7 The development includes an access from Racecourse Mews that could also serve allocation site TH2 but the access would need to be extended over intervening land within the allocation site (but not within the site of the current application) in order to serve the current proposal.

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP3 - Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP6 - Distribution of housing  
Core Strategy Policy CP7 - Phasing of housing  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP8 - Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP12 - Delivering housing on "brownfield" land  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
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 DP36 - Waste

Development Policies DP37 - Open space, sport and recreation  
Development Policies DP39 - Recreational links  
Development Policies DP43 - Flooding and floodplains  
Allocations Document Policy TH2 - Depots, Station Road, Thirsk  
Affordable Housing Supplementary Planning Document (SPD); adopted 7 April 2015  
Open Space, Sport and Recreation SPD; adopted 22 February 2011  
Sustainable Development SPD; adopted 22 September 2009  
Size, Type and Tenure of New Homes SPD; adopted September 2015  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Sowerby Parish Council - Welcomes the application for 25 bungalows but do not wish the application approved because of concerns about the access.
- 4.2 Highway Authority - Objects and recommends refusal on the ground that Victoria Avenue is unsuitable for the traffic which is likely to be generated by the proposal because existing on-street parking results in insufficient carriageway and footway widths, with consequent danger to highway users.
- 4.3 Environmental Health Officer - No objection subject to a condition relating to land contamination. There existing housing closer to the adjacent commercial site currently occupied by Power Plastics Ltd. but there is no history of noise complaints related to it.
- 4.4 Yorkshire Wildlife Trust - No objection subject to recommended mitigation proposals and five year Ecological Management Plan being conditioned
- 4.5 Lead Local Flood Authority - Detailed comments with a number of matters considered to be acceptable within the submitted Flood Risk Assessment. The areas where further work is suggested include:
  - Drainage design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced;
  - Allowance should be made for a 10% increase in impermeable areas through activities such as building extensions and paving gardens; and
  - The Council must satisfy itself that ongoing maintenance of drainage features will be achieved over the lifetime of the development.
- 4.6 Corporate Facilities Manager (drainage and flooding) - Supports the findings of the LLFA (above). The details relating to ongoing maintenance will be required to show how the management company will remain viable and able to undertake the management role for the lifetime of the development.
- 4.7 Natural England - The development is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 4.8 Police Architectural Liaison Officer - Highlights crime and disorder issues in the area, assesses the development in terms of its likely effect on crime and disorder and identifies design solutions that would help to reduce vulnerability to crime. Raises concerns about the potential for problems on this site in respect of parking and an anti-social behaviour in the central communal area. Making this area private, with access restricted to its residents and their visitors only, would address those concerns.
- 4.9 Ministry of Defence - No safeguarding objection.

#### 4.10 Public comment – 17 responses in total.

Six objections raising the following concerns:

- Policy TH2 requires two adjacent industrial sites to also be developed;
- 25 bungalows on a third of the allocation site is overdevelopment;
- The access from Station Road in the allocation should still stand, taking pressure off Victoria Avenue and Melbourne Place;
- The Transport Statement omits the level of traffic and car parking pressure on Melbourne Place from car owners in that road and overspill from Victoria Avenue;
- The access plans, including emergency vehicle access, is poorly thought out and will put more pressure on parking and viable car parking spaces;
- No car parking allocation has been given to Melbourne Place, where residents currently park across the street on a triangle of rough land and the only green space for children to play. This is not part of the development site but is owned by the developer;
- Cars parked as they are at present make the access too narrow for large vehicles;
- Construction traffic and heavy vehicles using the road making it unsafe;
- Unviable for the bin lorries to get down the street due to cars blocking the way;
- Concern over damage to protected lime tree and the engineering brick road, which are features of the Conservation Area;
- The access and sight-line onto Topcliffe Road is poor and dangerous, with cars having to edge out into Topcliffe Road to be able see clearly and too narrow for two vehicles to pass at the top of the road;
- The proposals for Melbourne Place are inadequate and do not include drainage;
- The Transport Statement is disingenuous suggesting that over 60s are retirees, when in the longer term people will be working into their 70s; and
- There is an outstanding issue with foul drainage from the site.

Ten representations in support but making the following comments:

- The site is an eyesore;
- Under-provision of car parking;
- Concerns that the removable bollards in Melbourne Place might disappear, allowing it to become a permanent access route;
- Impact on Melbourne Place and parking provision;
- Viability of the combined sewer in Melbourne Place;
- There are no allotments provided for in the plans;
- Removal of cobbles and scoria bricks at the end of Melbourne Place would be a loss to the Conservation Area;
- Routes for construction vehicles could impact on residents; and
- Melbourne Place should be a safe play area for the resident children.

One general comment raises comments about the level of parking and access for emergency services and refuse vehicles.

## 5.0 OBSERVATIONS

- 5.1 The inclusion of the application site within allocated housing site TH2 means that the principle of residential development and the loss of employment use are not in question. However, the degree to which the proposal conforms with the expectations set by policy TH2 is a major consideration, particularly in terms of the access arrangements.

- 5.2 The other main determining issues to be considered are (i) the size, type and tenure of the dwellings; (ii) the design of the dwellings; (iii) residential amenity and car parking; (iv) drainage and flooding; (v) land contamination; (vi) heritage issues; (vii) biodiversity; (viii) sustainable energy; and (ix) open space provision.

#### Conformity with allocation policy TH2

- 5.3 The site forms part of the TH2 (Depots, Station Road, Thirsk) site which is allocated for housing development subject to the provisions detailed within paragraph 1.5 of this report.
- 5.4 The explanatory text to TH2 states that "because the site is an unusual shape, and positioning of access roads restricts the number of dwellings that could be built, the realistic capacity of the site has been reduced by applying a 10 dwellings per hectare density to the site overall, thus yielding around 30 units (compared with a density of 40dph, which would otherwise have been appropriate given the central location of the site, and which would have yielded 100 or more units)."
- 5.5 Consequently, developing the site for new housing is acceptable in principle subject to specific criteria contained within the Allocations DPD and site specific detailed site specific matters discussed below. The proposal is only for the southern part of the site as the land is in more than one ownership and despite dialogue between the adjoining landowners facilitated by officers of the Council the land has not been assembled to form a single application site. There is no indication that development proposals are being contemplated on the remaining land within the Policy TH2 allocation at this time.
- 5.6 Giving consideration to the six issues identified in the Policy TH2 allocation it is evident that:
- The density of the scheme (24 dwellings per hectare) is higher than anticipated in the allocation. The applicant explains that this can be achieved because their site does not have an irregular shape, unlike the northern part of the allocation site;
  - The proposal does not include 40% affordable housing. The applicant cites a viability justification for this;
  - The types of housing are restricted to bungalows for older people and therefore addresses this important aspect of the latest evidence on local needs;
  - Access would not be taken from Racecourse Mews, but via Victoria Avenue;
  - Because access is not proposed via Racecourse Mews, no improvements to Station Road are proposed;
  - Contributions required to fund infrastructure can be achieved via the Community Infrastructure Levy (CIL); this could be invested in projects such as improvements to footpath links to the town centre or better off-site drainage facilities; and
  - Contributions from the developer towards the provision of additional school places and local health care facilities as necessary would also be funded through CIL.
- 5.7 The proposal identifies Victoria Avenue as the primary access to the site for all purposes. This is contrary to the access via Racecourse Mews identified in policy TH2. Racecourse Mews is a two-way road capable of accommodating additional traffic. It is not of restricted width or congested by parked cars in the way experienced on Victoria Avenue.
- 5.8 Detailed design work undertaken to consider the use of Racecourse Mews shows that a suitable access would require land in the ownership of two further parties. The

applicant has not reached agreement for this with either landowner and indicates that payments to the landowners concerned would reduce the viability of the scheme.

- 5.9 Consideration of the suitability of Victoria Avenue shows it is of restricted width, such that traffic is limited to a single lane, that pedestrians share the road with vehicles and that vehicles can only travel along the road if they can negotiate parked vehicles. The facilities for pedestrians fall far short of current design standards.
- 5.10 The applicant's transport statement acknowledges that "existing residents of Victoria Avenue currently face issues associated with parking and turning in the street owing to lack of off-street parking. The proposed development includes measures to alleviate these issues including the provision of a turning head area and additional off-street parking."
- 5.11 The proposal includes two metre wide footways through the development. These are intended to connect to the existing footways in Victoria Avenue. However, the Victoria Avenue footways are narrower and are often partially obstructed by parked cars.
- 5.12 The site is close to Thirsk town centre. Pedestrian access from the new development to the wide range of facilities in the town centre on foot is realistic but the congestion on Victoria Avenue makes use by pedestrians unattractive.
- 5.13 Upgrades are proposed to the pedestrian access through Melbourne Place to include resurfacing and providing a shared surface environment with pedestrian signage. However the applicant has no stated rights over this private road and due to the uncertainties regarding their ability to carry out these works little weight can be attributed to this aspect of the proposal.
- 5.14 Cycle access can be achieved over the roadways, albeit with the same caveats of congestion, through Victoria Avenue or Melbourne Place to the town centre and to the railway station.
- 5.15 The age profile of future residents is set in the application to be age 60+. It is the applicant's case that the older people resident on the site would generate significant fewer vehicle movements. This is supported by evidence in a consultant's report that notes that on-street parking is reduced on Victoria Avenue during the day and that the periods of peak access for the scheme would be during the day. However, even if the applicant's argument was accepted, the increase in activity would cause further harm to the desirability of Victoria Avenue as a route for pedestrians and vulnerable users in particular. The increased use of Victoria Avenue would cause harm to the highway safety of existing and future users and is therefore contrary to the LDF Policies CP1, DP3 and DP4
- 5.16 The development would result in the loss of a site previously used for employment purposes. This was a matter before the Council when allocation policy TH2, proposing replacement with housing, was adopted. The supporting text to the allocation policy identifies that replacing the depots with housing should achieve environmental and other benefits, thereby justifying the allocation. The site is recorded as last used in 2001 and since that time has not been in active use. Accordingly redevelopment would not result in any loss of jobs or displacement of business.

#### Size, type and tenure of housing

- 5.17 The proposal shows a scheme of one bedroom units (four bungalows) and two bedroom units (21 bungalows). The dwellings would all exceed the minimum sizes required in the Nationally Described Space Standards and those set out in the

Council's Size Type and Tenure Supplementary Planning Document. The proposal addresses the need for smaller housing units that are single storey and meet the needs of older people.

#### Affordable housing

- 5.18 The applicant is proposing that no affordable housing is provided on the site as they consider that only a 0% affordable housing figure is viable. The scheme has been assessed by Kier as advisors to the Council on matters of financial viability. Kier has considered the evidence provided by the applicant but advises that modelling the costs and sales values of the scheme in September 2016 indicated that it could include six affordable dwellings, equating to 24% provision. It is acknowledged that there may have been changes in values since, but there remains a significant gap between the viability appraisals carried out by the applicant and by the Council's advisor. Therefore, a nil provision of affordable housing would not be acceptable. The shortfall in affordable housing provision is contrary to the LDF Policy CP9.

#### Design

- 5.19 The design of the units and the single-storey form of the development do not mirror the predominance of terraces of two storey dwellings in the locality. The design has instead been founded on the wish to create housing suited to older people and with a degree of overlooking of communal space. The "modern alms house" form has been encouraged on some sites to achieve a higher density of single storey dwellings suitable for the older population. The location of the site relatively close to Thirsk town centre lends itself to this form of development.
- 5.20 A judgement is therefore required between the demands of a high quality of development that respects local character and the provision of low rise development that meets a particular housing need.
- 5.21 It is considered that the scheme could have been prepared taking more account of the local context. There is no reference in the design statement that the character of the surrounding area was a significant factor in the layout of the proposal. The planning statement references the red brick and slates but does not refer to the street pattern of development but rather focuses on addressing the deficiencies of previous schemes that sought to achieve higher densities of development and resulted in refusal of permissions for the reasons explained in section 2 of this report.
- 5.22 A Community Consultation Event was held in October 2015. It is not clear how the response to this consultation has influenced the design as it only reported in the Design and Access Statement that the comments made were generally positive with attendees recognising the Lifetime Homes proposal as an improvement on the previous (and refused) planning applications.

#### Residential amenity and car parking

- 5.23 LDF Policy DP1 requires that amenity space is provided sufficient to meet the reasonable needs of residents. The scheme would provide small areas of garden for each dwelling in addition to a private parking space. There would be sufficient space for bins to be stored close to each dwelling. The communal area in the centre of the site that is proposed to be maintained by a facilities management company has the potential to provide an attractive and valuable amenity space for future residents.
- 5.24 The separation distances between the proposed dwellings and neighbouring dwellings are considered to be sufficient to give mutual protection to amenity. Plots 12, 13 and 14 would be close to the Power Plastic building that bounds the north of the site, however a fence is proposed and a hedge is shown to be retained on this



boundary to soften the visual impact and no noise impacts have been observed relating to the use of the building.

- 5.25 Parking space is proposed at a rate of one space per dwelling. A total of eight visitor parking spaces are also shown adjoining the central communal gardens. Additionally there is opportunity to provide further parking spaces on the frontage and alongside some of the bungalows as well as opportunity for on-street parking within the development.
- 5.26 The transport statement says that this is in accordance with North Yorkshire County Council guidance from 2003, however the scheme falls significantly below the current NYCC parking standards which require a minimum of two parking spaces per two or three bedroom dwelling. Additional parking space was shown at the entrance to the site to alleviate pressures on Victoria Avenue. However amendments have removed this space and the level of parking proposed is below the current NYCC design standards. Even if the parking had been provided for existing residents is considered that it would be unlikely to address the parking problems noted on Victoria Avenue as it would not be convenient to residents and would lack surveillance by the owners of the vehicles. The allocation TH2 did not require measures to provide a turning head or additional parking for Victoria Avenue, however the allocation proposed access via Racecourse Mews to avoid the difficulties of Victoria Avenue.
- 5.27 LDF Policy DP3 requires a level of car parking commensurate with road safety, the reduction of congestion and the availability of alternative means of transport to be provided. In this case the proposed parking within the layout is considered sufficient to avoid an adverse impact on road safety as sufficient parking space can be achieved to meet the needs of new residents and to do so without obstruction to footways. However as noted previously this would not address current on-street parking and congestion problems on Victoria Avenue an issue not addressed by the Allocation as the proposed access is via Racecourse Mews.

#### Drainage and flooding

- 5.28 A consultant's report submitted with the application notes that there is no positive foul or surface water drainage connection from the site, and assumes that there are no foul water producing facilities within the site and that roof and yard waters soak away in the surrounding grass areas within the site.
- 5.29 The proposal is for soakaways to be provided for each dwelling, to be maintained by a facilities management company. Road drainage is to be offered for adoption by NYCC as local highway authority.
- 5.30 Foul sewerage would be directed to the 150mm public sewer in Melbourne Place. It is assumed that a pumping station is not required but without additional survey work it is not possible to be certain and provision for one is shown in the layout. It is noted that the application for 47 houses refused and dismissed on appeal in 2013 included a pumping station, indicating that pumping may be required.

#### Land contamination

- 5.31 No detail of the extent of any pollution has been provided. A condition to require further investigation and necessary remediation would be appropriate in the event that permission is granted for residential development.

#### Heritage

- 5.32 There is no evidence of any heritage asset within the site. Surrounding property would be affected by the change in setting through the demolition of the shed on the

site and the redevelopment of single storey dwellings; this could be a beneficial change. The residential terrace to the south of the site on Melbourne Place and the terrace to the east on Victoria Avenue are identified as Buildings of Local Interest in the Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document. Although the pattern of development proposed is in stark contrast to the form of the development to the east the low height of the buildings, the fact that other developments to the west do not continue the historic form, and as the site is not on or close to a main thoroughfare significantly reduce the impact of the development.

- 5.33 The proposal entails the removal of buildings that do not respect the street pattern or form of historic development in this part of Sowerby and on balance it is considered that the development is not in conflict with the heritage policies of the LDF CP16 and DP28 or the NPPF.

#### Biodiversity

- 5.34 There is no evidence of any protected species within the site although there are areas of unimproved grassland. As noted in correspondence from the Yorkshire Wildlife Trust, there is potential for a net gain in biodiversity and a management plan should be required to demonstrate how this will be achieved if permission is granted.

#### Sustainable energy

- 5.35 As the proposal seeks approval for more than ten dwellings the provisions of DP34 apply requiring the proposal to generate 10% of its energy demand from on-site renewable sources or provide equivalent energy saving measures. There is no reason to believe this cannot be achieved, particularly when the opportunities for energy saving in modern construction techniques are taken into account.

#### Open space, sport and recreation

- 5.36 The Open Space, Sport and Recreation Supplementary Planning Document sets the expectation that the development of residential schemes of 10 to 79 units will include amenity space and equipped children's play space and may provide space for green corridors; park, gardens and greens, facilities for young people and teenagers and allotments.
- 5.37 The proposal is focused on providing homes for people aged 60+ and the layout of space is considered appropriate for that profile. The scheme provides no facilities for young visitors to the site.

#### The planning balance

- 5.38 The proposal seeks to provide housing to meet an identified need for older people who wish to live in single storey accommodation. The scheme is close to Thirsk town centre and the density of development proposed takes advantage of the sustainable location and the relatively regular shape of this part of the allocation site. The scheme would provide social benefits of new housing but no affordable housing is proposed, despite advice from Kier that this could be achieved. The access route proposed for vehicular traffic is compromised by the restricted width and congestion caused by on-street parking and no adequate alternative pedestrian or cycle access route is proposed. The ability to make improvements on Melbourne Place is uncertain due to lack of documented ownership rights. The harm to the safety of users of the road is a significant factor that is considered to negate the benefits of the new housing.
- 5.39 The construction work and later servicing of accommodation would provide a modest economic benefit and there are opportunities for biodiversity gains. However, it is

considered that the access to the site via Victoria Avenue is unsuitable to meet the needs of the development.

- 5.40 The lack of affordable housing is contrary to LDF Policies. It is unusual that it has not been possible to achieve a resolved position on financial viability of the scheme between the applicant's and the Council's advisors. The initial and maintained stance of the applicant that no affordable housing can be provided is questionable given the contrary advice from Kier. As the policy position has not changed since earlier refusals that considered development viability and that the requirement for affordable housing has been set out in the LDF policy it is considered that a lack of affordable housing and unsuitable access should lead to a recommendation of refusal of the application.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed access via Victoria Avenue is unsuitable for the traffic that would be likely to be generated by the proposal. Victoria Avenue has on-street and on pavement parking resulting in insufficient carriageway and footway widths with consequent dangers to highway users through shared use of the carriageway for pedestrians and vehicles and potential obstruction to emergency vehicles.
  2. The proposal provides no convenient and viable pedestrian access route as an alternative to Victoria Avenue. The limited amount of off-street parking available to residents of Victoria Avenue results in on-street parking and parking partly on footways, such that some pedestrians and users of mobility scooters, wheelchairs and pushchairs are required to use the carriageway. The proposed housing for the older person has an increased likelihood of users requiring mobility aids and overall will result in an increased risk particularly to vulnerable road users on a congested street.
  3. The proposal fails to provide affordable housing and has failed to provide evidence that the costs of the scheme make the provision of affordable housing unviable and is therefore contrary to LDF Policies CP9 and will not meet the needs of the local community as required by Policy DP13.