

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 8 December 2011. The meeting will commence at 9.30am.

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Head of Regulatory Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Head of Regulatory Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Maurice Cann
Head of Regulatory Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

8 DECEMBER 2011

Item No	Application Ref/ Officer	Proposal/Site Description
1	11/00797/FUL Mrs T Price	<p>Retrospective application for a material change of use from agricultural land to a private gypsy site for one mobile home, formation of an access track and raised patio. at Hillside View Farm Tame Bridge Stokesley North Yorkshire for Mr J McElvaney.</p> <p>RECOMMENDATION: GRANTED</p>
2	11/01989/FUL Mr J E Howe	<p>Change of use of an agricultural nursery to a caravan park with associated hardstanding, parking and landscaping. at Hollin Barn Nurseries Sutton Road Thirsk North Yorkshire for Mr R Atkinson.</p> <p>RECOMMENDATION: GRANTED</p>
3	11/01435/FUL Mr J Saddington	<p>Formation of an improved junction of the A168 (T) and B1448 to permit northbound and southbound movements. at Land At Topcliffe Road Junction (A168 _ B1448) Topcliffe Thirsk North Yorkshire for Castlevale Group Ltd/Broadacres Services Ltd/Messrs Sowerby.</p> <p>RECOMMENDATION: GRANTED</p>
4	10/02373/OUT Mr J Saddington	<p>Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered. at Land Off Topcliffe Road And Gravel Hole Lane Sowerby Thirsk North Yorkshire for Castlevale Group Ltd/Broadacres Services Ltd/Messrs Sowerby.</p> <p>RECOMMENDATION: GRANTED</p>

1.

11/00797/FUL

Retrospective application for a material change of use from agricultural land to a private gypsy site for one mobile home, formation of an access track and raised patio. at Hillside View Farm Tame Bridge Stokesley North Yorkshire for Mr J McElvaney.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application was first considered by the Planning Committee on 26 May 2011 when it was deferred pending receipt of a flood risk assessment and to seek the inclusion of the access track and raised patio to the mobile home. The application now includes the raised patio and a flood risk assessment has been submitted. The proposal seeks retrospective planning permission for change of use from agricultural land to a private gypsy site for one mobile home including the access and patio and is to accommodate one family at Hillside View Farm, Tame Bridge. A second recently improved access to a barn to the south of the current application site has also been included in this application.

1.2 The site is located at Tame Bridge to the south of the Hutton Rudby to Stokesley road. Tamebridge is a small linear settlement that has developed along a minor road running west from Stokesley to Hutton Rudby. The site is a smallholding of about 2.5 hectares (6.0 acres) and is used for the grazing of horses. The site is bound to the north and east by woodland, to the south by a field in pasture and woodland and to the west by the drive to Brawith Farm.

1.3 Planning permission has previously been granted for eight stables on the site to the north east section 08/02956/FUL. The stables are currently being used for the storage of animal feed. The mobile home was erected on the site on the 7th April 2011 to the east side of the existing stables. The unit measures 14m x 6m and is located 32m from Stokesley Road and 50m from the nearest residential property opposite. The mobile home unit will be served by an existing septic tank. During the summer months the mobile home unit cannot be seen from the roadside due to the dense tree formed landscaping. The application specifies the site is for one mobile home unit.

1.4 The existing hardstanding/driveway to the mobile unit and stables was subject to an enforcement investigation. The agent has submitted a new site location plan dated the 20th September 2011 outlining this area in red linking the access and driveway to the mobile home unit. The plan also includes in the red line boundary the concrete surfaced track close to the eastern boundary of the site.

1.5 A floodrisk assessment was submitted for the site on the 21st November 2011 which was carried out by Wardell Armstrong on the 16th November 2011. The report concludes that the risk of groundwater flooding to the site would be minimal and would not jeopardise the integrity of the existing development. It is noted that the site is located within flood zone 1 (low risk).

2.0 HISTORY

2.1 08/02956/FUL - Change of use of land from agricultural to equestrian and construction of a stable/storage building, approved 2008

3.0 RELEVANT PLANNING POLICIES:

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

Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites
 Gypsy and Traveller Accommodation Assessment 2008
 Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP14 - Gypsies and travellers' sites
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping

4.0 CONSULTATIONS

4.1 Parish Council - The Council wishes to see the application refused for the following reasons:

- a. This is development in open countryside
- b. Agreement may set a precedent in this area
- c. The application did not go through normal planning channels
- d. There is an illegal access into the field.
- e. It will be development in open countryside

4.2 Highways at NYCC – No objection subject to a visibility splay condition.

4.3 Environmental Health – No objection

4.4 Northumbrian Water – No objection

4.5 Environment Agency – No objection.

4.6 William Hague MP – Has been contacted by a number of constituents who are concerned about the retrospective application, his points can be briefly summarised:.

- Seamer site is not at full capacity.
- The applicant has been verbally threatening to residents
- Residents do not believe the applicant is a Gypsy.
- Works have been carried out on the site without planning permission.

4.7 Neighbours. Seven representations have been received and can be briefly summarised below:

- Application is an attempt to circumvent planning regulation, disregard of planning procedures.
- Object to the proposed change of use; loss of tranquillity and amenity
- Too close to the existing Seamer Site where capacity is available.
- Do not support the application, too close to residential properties
- Against planning law
- Planning permission should have been applied for before the siting. Not a suitable site.

Seamer is a more suitable site

- Could open up to a large number of caravans, not a suitable site agricultural land.
- Application is not a gypsy - (schooled in Stokesley, lived in a house)

5.0 OBSERVATIONS

5.1 The main issues for consideration are detailed within the policies of the Hambleton Local Development Framework, as identified above, and relate in this case to: the principle of creating a gypsy site in this location (including distance from services/amenities); need for additional gypsy accommodation; visual impact on the landscape; whether the site provides an acceptable living environment; highway safety and impact on the amenity of local residents.

The principle of a creating a gypsy site in this location

5.2 The site lies outside the development limits of a sustainable settlement and is within the open countryside. Consequently, there is a strong presumption against new residential development on the site except for exceptional cases or for use by certain types of occupier. Policy CP4 and DP14 allow the establishment of gypsy sites outside development limits where certain criteria are all met, in particular where the scale, location or type of existing provision is inadequate.

5.3 Whilst the application site is outside development limits, it is located within 1.2km of Stokesley, a market town containing a range of shops and local services which is within walking (along an existing footpath) and cycling distance. Alternative means of transport are available and the family would be in easy reach of key services such as schools and medical facilities.

Need for additional gypsy accommodation

5.4 Policy DP14 accords with the government's circular on gypsy and traveller caravan sites (1/06). The circular states that local authorities should help gypsies secure the kind of site they need, in locations that are appropriate in planning policy terms. Circular 1/06 requires local authorities to undertake an assessment of need for gypsy and traveller accommodation to ensure that gypsies secure the kind of site they need.

5.5 A Gypsy & Traveller Accommodation Assessment (GTAA) for North Yorkshire was undertaken by consultants Arc4 in 2007/08. It established a shortfall of 14 pitches in the Hambleton District. The Assessment noted the largest population being in the Stokesley area, of the 192 households estimated as being resident in Hambleton at the time of the survey 136 households (70.8%) were in the Stokesley area. This calculation of pitch requirements was based on CLG modelling as advocated in Gypsy and Traveller Accommodation Assessment Guidance (CLG, 2007). The CLG Guidance requires an assessment of the current needs of Gypsies and Travellers and a projection of future needs.

5.6 In view of the findings of the GTAA, it is considered that there is a need for additional gypsy and traveller accommodation in the Stokesley area. This requirement extends to local authority controlled sites, private sites and transit sites. There are 2 local authority owned sites in Hambleton, one at Seamer and one at Thirsk. Since the report was published in May 2008 two private site has been granted planning permission (accommodating two families). There are a total of 9 authorised private gypsy sites in the District, five in the Stokesley hinterland and four elsewhere. A map illustrating the location of the sites in the locality will be available to view at the meeting.

5.7 The County Council's Hillfield Close gypsy site at Seamer, which is managed by Horton Housing, is in the process of being redeveloped with 16 pitches. At the time of the report 13 of the pitches at Hillfield Closer were vacant but the report assumed their re-occupation following site improvement and were acknowledged as part of the supply. There is currently a waiting list of 10 families for the new pitches and there have been a large number of telephone enquiries, which suggests that pitches are in demand. The GTAA recommends a mix of different types of gypsy site including publicly run and privately owned sites. The publicly run sites do not often have other land and in many cases the gypsies require land adjacent on which to keep horses. Consequently, the principle of the application site is acceptable due to a shortfall of provision within the locality.

National Policy

5.8 Circ 1/2006 is to be revised but this has not yet been done and the guidance is still valid. The Communities and Local Government secretary Eric Pickles told councils and the Planning Inspectorate in May of last year that the decision to abolish the regional planning regime for England should be a material consideration in terms of planning decisions. Mr Pickles's statement in May 2010 read that "Consequently, decisions on housing supply (including the provision of traveller's sites) will rest with local planning authorities without the framework of regional numbers and plans." The Government realises that Local Authorities are still required to assess need through their GTAA and to make provision accordingly (Government message November 2010). Therefore without an alternative evidence base the findings and recommendations contained within the GTAA should still be deemed a material consideration in the determination of this application, albeit one that may now carry less weight than before.

Visual impact

5.9 It is important to ensure that the proposed development does not adversely affect the character and appearance of the rural landscape. The position of the mobile home is within a smallholding of about 2.5 hectares (6.0 acres). The land is presently in grass and is used for the grazing of horses. The site is bounded to the north and east by woodland, to the south by a field in pasture and woodland and to the west by the drive to Brawith Farm. Access is from an existing drive off Stokesley Road. The mobile home is well screened from Stokesley Road and the wider area due to this substantial landscaping. The site is therefore not prominent. A planning condition is recommended to ensure that landscaping along the northern boundary is retained to protect the visual amenity of nearby residents and to ensure the countryside setting is not compromised.

5.10 It is considered that the mobile home unit currently on the site is simple in design however the colour is not in keeping with the character of the surrounding countryside as it fails to reflect existing rural buildings scattered throughout this landscape. It is therefore recommended that the mobile home unit is painted a dark brown colour to complement the existing stable block doors. A condition should be applied to this effect to ensure that the existing unit or any subsequent replacement is finished in accordance with an approved scheme.

5.11 The application has been amended to include the access and hardstanding area. Given the location of the works which are set back from the main road and well screened by existing landscaping, visually they are considered acceptable. Highways at NYCC have no objection to the retrospective works, therefore highway safety will not be compromised.

5.12 Subject to a further condition relating to no outside storage and external lighting, it is considered that the scheme will not create an adverse impact upon visual impact.

Impact on the amenity of local residents

5.13 Officers acknowledge that the prospect of land being used for a gypsy site can cause tensions in a local community. Nevertheless, the site is well screened from the public highway and the nearest neighbouring house is over 50m away. Subject to suitable safeguards to prevent commercial activity or abuse of the site by the occupiers, there is no apparent reason why the site should cause any material loss of amenity to local residents.

5.14 Concerns relate to the retrospective nature of the application as work commenced before the planning application was submitted. The Local Planning Authority determines retrospective applications in the same way as any other application. The Authority stress to applicants that any work undertaken without planning permission is at the developers risk and encourage the submission of an application. Schemes such as this would not justify immediate enforcement action by service of a Stop Notice.

5.15 The Local Planning Authority has a live application 09/02127/FUL at a traveller's site at OS Field 8732 Ings Lane, Great Broughton. This application is for the change of use from agricultural land to a private gypsy site for 1 family and the creation of a new vehicular access and is due to be presented before planning committee later in the year. This site is located approximately 90m from the nearest neighbouring property and 180m from the main road known as the B1257.

Highway safety

5.16 Highways at NYCC have no objection to the application subject to standard highway conditions. There is no reason to conclude that the site presents a significant risk to highway users.

Other matters

5.17 Concern has been raised about the personal status of the applicant and if the applicant has a Gypsy, travelling background. It was confirmed on the 13th June 2011 by Hugie Smith at The Gypsy Council that Mr McElvaney has a travelling background. Whilst the applicant and the subsequent occupier may be the same person it is the status of future occupiers that is pertinent rather than the name of the applicant.

5.18 Concern has also been raised about the site having a history of flooding. The applicant has provided a flood risk assessment to demonstrate that the retrospective works would create a minimal risk of flooding. The Environment Agency has confirmed this and has no objection to the retrospective works.

SUMMARY

The application is recommended for approval as the site will provide a sustainable private gypsy site for one family in accordance with the Development Plan policies noted above and the findings of the Gypsy and Traveller Accommodation Assessment

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HN/11/007/001/B & HN/11/007/002/B received by Hambleton District Council on 20 Sept 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. The number of mobile homes on the site shall be restricted to no more than one mobile home, that meets the definition of a caravan in the Caravan Sites Act, at any one time.
4. The occupation of the single mobile home hereby approved shall be restricted to a single gypsy family.
5. The land hereby approved shall be used only as a residential gypsy site, as defined within ODPM Circular 01/2006, and not for any other type of domestic or business use.
6. Within three months of the date of this decision notice, the mobile home unit shall be painted a dark brown colour to match the existing stable block doors. Thereafter, the existing mobile home or any subsequent replacement mobile home shall be maintained in accordance with this colour scheme.

7. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
8. There shall be no outside storage unless otherwise agreed in writing by the local planning authority.
9. No tree along the northern boundary adjacent to Stokesley Road shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority
10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120m measured along both channel lines of the major road (the C1) from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 Policy(ies) CP1, CP2, CP4, CP8, CP16, CP17, DP1, DP3, DP4, DP9, D14,DP33.
3. To safeguard the character of the area and the amenities of local residents in accordance with Policy CP1, CP17, DP1 and DP30.
4. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30
5. To ensure the caravan is occupied in association with the use of the site as a gypsy caravan site, safeguard the character of the area and safeguard the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP4, CP8, CP16, DP1, DP9, DP14 and DP30.
6. In the interests of the visual amenities of the locality in accordance with Policies CP16 and DP30 of the Hambleton LDF.
7. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton Local Development Framework Policies CP1, CP16, CP17, DP1, DP30 and DP32.
8. In the interests of the visual amenity of the area in accordance with policies CP1, CP16, CP17, DP30 and DP32.

9. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
10. In accordance with the Local Development Framework and in the interests of road safety.

2.

11/01989/FUL

**Change of use of an agricultural nursery to a caravan park with associated hardstanding, parking and landscaping.
at Hollin Barn Nurseries Sutton Road Thirsk North Yorkshire
for Mr R Atkinson.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application was considered at the Planning Committee meeting on 10 November 2011 it was deferred for a site visit prior to further consideration.

1.2 The proposal is for the siting of 11 holiday chalets within the curtilage of a former (horticultural) Nursery complex at Hollin Barn which lies on the northern side of the A170 midway between Thirsk and Sutton-under-Whitestonecliffe. The site, which includes the applicant's dwelling and two holiday letting units, is rectangular in shape, has a frontage to the A170 of 170m and is 105m in depth. There is an existing access which serves the (former) Nursery use and a private access which serves the applicant's dwelling and cottages. The White Horse Lodge Hotel, previously known as The Divan lies immediately adjoining the site to the east.

1.3 Much of the site has a generally level surface and lies at a slightly lower level than the adjacent A170. It is screened from the road and the west by hedging and maturing trees. The eastern boundary is also screened by existing planting and the buildings which comprise the White Horse Lodge. There are also trees within the site although some are only recently planted. Further tree planting is proposed to be undertaken particularly along the northern boundary. It is proposed to use the existing access, which previously served the Nursery, and utilise an existing hardstanding area as a site car park with a cul-de-sac service road access to the north serving the chalet units. An existing area between the car park and applicant's house will comprise a landscaped recreation area.

1.4 The proposed chalets are two-bedroomed units constructed in timber with pitched slated roofs. The size of the units to fall within the restriction of the Caravan Sites Act.

1.5 The site has been vacant for some 2-3 years. The current owners, since acquiring the land, have carried out a refurbishment of the permanent holiday units which were offered for letting again from this summer. The applicants intend to continue to operate the existing holiday letting units and manage the chalet site.

2.0 PREVIOUS PLANNING HISTORY

2.1 2/96/152/0537 : Formation of a vehicular access :Permission Granted 24-01-1997

2.2 2/00/152/0611 : Construction of a polytunnel. Permission Refused April 2000.

2.3 2/00/152/0611A : Construction of a polytunnel for horticultural purposes. Permission Granted August 2000.

2.4 2/01/152/0611B : Construction of a polytunnel. Permission Granted August 2001.

2.5 2/01/152/0611C : Formation of a wildlife pond. Permission Granted October 2001.

2.6 2/02/152/0611D : Construction of a polytunnel. Permission Granted July 2002.

2.7 2/05/152/0611E : Construction of a farmshop and café : Withdrawn.

2.8 2/05/152/0611F : Construction of a farmshop, café and sales outlet : Permission Refused 2005.

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
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside

4.0 CONSULTATIONS

4.1 Thirsk Town Council : Wishes to see the application Approved.

4.2 Yorkshire water : No observations.

4.3 North Yorkshire County Council (Highways Authority) : No objections subject to conditions.

4.4 The application was advertised by site notice at the entrance to the site and the four closest neighbours were consulted. Letters from both the freeholder and current landlord of the adjacent Hotel have been received supporting the proposal.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the location of the site in relation to the Service Centre of Thirsk/Sowerby and other tourist attractions (Policies CP1 and CP2) the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30) together with the potential economic benefits to the local economy, particularly the adjoining hotel complex (Policies CP15 and DP25). The contents of PPS4, Planning for Sustainable Economic Growth are also relevant.

5.2 It has been noted above that the site is located directly off the A170 midway between Thirsk and Sutton-under-Whitstonecliffe and is well located for access via the main road network to a significant number of tourist facilities and attractions including, in addition to Thirsk itself, York, Ripon and the North York Moors National Park.

5.3 In terms of the visual aspects of the site location it is considered that there will be little demonstrable impact on either local visual amenity or landscape character in view of existing planting around and within the site (which is at a lower level than the A170) and the local topography and road network which precludes most views into the site from the north. The site is bounded by mature hedging and trees from the A170 such that views are not available by traffic along that road from the west. In addition when approaching from the east the White Horse Lodge Hotel complex prevents any views into the site from that direction.

5.4 With regard to the potential economic benefits which may arise from the development of the site there are, excluding numerous locations within Thirsk and Sowerby, at least six public houses/restaurants within a five mile radius of the site which would reasonably expect to benefit from increased numbers of visitors. Most particularly the adjoining Hotel would be likely to experience significantly increased sales from the chalet occupiers. A letter has been received from the landlord of the White Horse Lodge supporting the application and stating

'We believe that such a provision would provide high quality accommodation for visitors to Herriot Country and would benefit from Welcome to Yorkshire who are supporting the Tourism Industry in this area with highly successful marketing activities. We also believe that the two businesses will compliment each other bringing opportunities for growth and further local employment.'

5.5 PPS4 (Planning for Sustainable Economic Growth) within Policy EC7 (Planning for Tourism in Rural Areas) indicates that 'to help deliver the Government's tourism strategy Local Planning Authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside.' It is stated that Local Authorities should, through Local Development Frameworks, support the provision and expansion of tourist and visitor facilities in appropriate locations, support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the viability of such businesses and ensure that new or expanded holiday and touring caravan sites and chalet developments are not prominent in the landscape. In this case, although there is no shared ownership or financial interest between the proposed chalet site and White Horse Lodge there will be mutual benefits to both businesses which will assist viability.

SUMMARY

It is considered that the proposal is in accordance with the Policies within PPS4, the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the development of this vacant site, which is well located for access to a significant number of tourist attractions and facilities and is discreetly located, has a potential economic benefit to local pubs, restaurants and retail outlets in the area.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No chalet units shall be brought onto the site until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development, together with those for the site access road, storage and service yard and visitor parking area, shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development must comply with the following requirements:-
 - (i) The lodge style caravans are occupied for holiday purposes only;
 - (ii) The lodge style caravans shall not be occupied as a person's sole or main place of residence;
 - (iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodge style caravans on the site, and of their

main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

5. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Such works shall be completed in accordance with the approved details prior to the occupation of any holiday unit and shall thereafter be maintained in accordance with the approved scheme.

6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 1199-102). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing (ref 1199-102) and details attached to planning application 11/01989/FUL received by Hambleton District Council on 13th September 2011 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the interest of local visual amenity and landscape character in accordance with Policies CP16 and DP30.

3. In the interest of local visual amenity and landscape character in accordance with Policies CP16 and DP30.

4. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Local Development Framework.

5. In the interest of environmentally satisfactory drainage in accordance with Policy DP42.

6. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

8. 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 CP16 and DP30.

3.

11/01435/FUL

Formation of an improved junction of the A168 (T) and B1448 to permit northbound and southbound movements

**at Land At Topcliffe Road Junction (A168 & B1448), Topcliffe, Thirsk, North Yorkshire
for Castlevale Group, Broadacres & Messrs Sowerby**

1.0 PROPOSALS AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the formation of an improved junction of the A168(T) and B1448 to include an all movements junction allowing north bound ingress and south bound egress to and from the B1448 Topcliffe Road.
- 1.2 The junction improvements are identified as being a requirement of the strategic allocation for Thirsk, TM2 of the Allocations Development Plan Document which is the subject of hybrid application (part outline / part detail) for the delivery of a strategic mixed use development (see relevant planning history below for more details).
- 1.3 The proposed all-movements junction has a slip road carriageway width of 3.3m (as a minimum), with widening on curves as necessary to allow for the swept path of large goods vehicles. Stopping sight distances, and visibility splays will be maintained where necessary by verge widening. The proposed design is subject to the final technical approval of the Highways Agency under their departures procedure. This process is ongoing.
- 1.4 The detailed design of the proposed junction will be carried out in accordance with the requirements of the Design Manual for Roads and Bridges and the Manual of Contract Documents for Highway Works. Further information on the detailed design is shown on drawing ref: 1020530-100-002 Rev.B.
- 1.5 A Transport Assessment has been submitted with the application which considers the impact of a multi-directional intersection between the B1448 and the A168 to the south of Thirsk. Other supporting documents have been submitted, including: and Arboricultural Report; Noise Survey; Air Quality Report; Drainage Statement and a Phase 1 Habitat Survey.
- 1.6 The site comprises a junction off the A168, surrounded by young broad-leaved and mixed woodland plantations, arable fields, tall shrubs, sections of coarse grassland with small strips of amenity grassland, dry ditch, scattered trees and a hedgerow. The site is divided in two by the A168 with one fly over connecting the two halves. The fly over carries traffic heading south from Thirsk to join southbound traffic on the A168 carriageway.
- 1.7 The site is surrounded by arable fields and set within the open countryside. The nearest town, Thirsk, is 1.62 kilometres to the north with Topcliffe Airfield less than 600 metres to the south-west. Running south-east to north-east lies a small river approximately 850 metres away at its closest point.

- 1.8 No buildings are situated within the site boundary, however three houses and a farmstead lie immediately to the north (approximately 100m away) and a second farmstead lies immediately to the west (approximately 95m away). The housing and farmsteads are surrounded by associated gardens, pastures and tree lines.

2.0 RELEVANT PLANNING HISTORY

- 2.1 10/02373/OUT - Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered at Land off Topcliffe Road and Gravel Hole Lane, Sowerby, North Yorkshire – (Pending Decision)

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant National, Regional and Local Planning Policies are as follows: -

National – Planning Policy Statements / Guidance

PPS1 - Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport
PPG24 - Planning & Noise
PPS25 - Development and Flood Risk

Regional – The Yorkshire & Humber Plan

- 3.2 The Yorkshire and Humber Plan is the current Regional Spatial Strategy (RSS) for the Yorkshire and Humber Region and was issued in May 2008. The Localism Act 2011 includes provision for the abolition of RSS but the Government have not yet made the necessary order. Consequently RSS remains part of the development plan.

Local - Hambleton Local Development Framework

Core Strategy – Adopted 3 April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP12 - Priorities for employment development
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP21 - Safe response to natural and other forces

Development Policies Development Plan Document – Adopted 26 February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure

DP16 - Specific measures to assist the economy and employment
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP43 - Flooding and Floodplains

Allocations Development Plan Document – Adopted 21 December 2010

Policy TM2 – South West Thirsk Area

Supplementary Planning Documents (SPD)

Affordable Housing SPD
Open Space, Sport and Recreation SPD
Sustainable Development SPD

Other Relevant Documents

Statement of Community Involvement
Hambleton Biodiversity Action Plan
Council Business Plan 2011-15
Sustainable Communities Strategy

4.0 CONSULTATIONS

Topcliffe Parish Council

4.1 Comments awaited.

Sowerby Parish Council – 12.09.11

4.2 Wish to see the application refused. The proposal does give improvements but does not solve the problems. The junction geometry is sub standard and is likely to lead to safety issues. The Council would encourage resubmission of an improved proposal with improved alignments.

Sowerby Parish Council – 16.09.11

4.3 The following comments were made on the Transport Assessment:-

- a) The planning application 11/01435/FUL (A168 Four Way Junction) provides a new Traffic Assessment for the Sowerby Gateway Development which supersedes that previously issued as part of the Sowerby Gateway application.
- b) Traffic flows at the critical junctions at Topcliffe Road roundabout and at Kirkgate have been improved but are still beyond capacity at 2026 with the development of Sowerby Gateway.
- c) Further improvements at Topcliffe Road roundabout are noted in the Traffic Assessment as being constrained due to the fact that the junction is within a Conservation Area.
- d) The provision of a new connection between Topcliffe Road and Station Road at Carlton Miniott is considered to be the only way to significantly reduce capacity issues at Topcliffe Road Roundabout.
- e) The proposed geometry of the new A168 connection is sub-standard and of a type that is being removed elsewhere in North Yorkshire. The proposed

alignments degrade the existing slip road alignments and are likely to cause significant safety hazards. Alternative alignments are possible which would significantly improve on those proposed.

- f) Recommend that the planning application as presented be rejected by Sowerby PC but that the developer be encouraged to present improved proposals.
- g) Requested that the present applications for the Sowerby Gateway and the A168 junction be combined as they are not capable of being dealt with separately as is evidenced by the inclusion of the Traffic Assessment for Sowerby Gateway being presented as part of the A168 junction application.

Sowerby Parish Council – 12.10.11

- 4.4 Wish to see the application refused. Although there has been considerable improvement made, compared to the previous application, it is felt that it could still be improved to make it safer.

Thirsk Town Council – 20.09.11

- 4.5 Wish to see the application refused. This seems to be a poor design. Traffic wishing to turn to the south on the A168 will have to cross the traffic that has just come off the A168 from the North and is heading to Thirsk on the B1448. Similarly anyone coming from the South and wishing to return to the North will have to cross the traffic at this same point. At the very least there should be a roundabout there. There have been a significant number serious of accidents in other areas at similar traffic constructions and due to the high volume of traffic we believe this will pose a real danger.

Thirsk Town Council – 06.10.11

- 4.6 Wish to see the application refused. Not at all happy about this junction. As previously stated we are against the access from the B1448 to the Northbound A19 carriageway crossing the line of traffic coming in the other direction. A roundabout is needed.

NYCC Highways

- 4.7 This proposal will have an impact on the strategic highway network which will require separate approval from the Highways Agency. No objection subject to conditions relating to those works that have an impact on the local highway network.

The Highways Agency

- 4.8 The Agency has issued a 'Holding Direction' (TR110) which instructs the Council not to grant planning permission for a period of six months from 22/08/11 until the following technical matters have been resolved:-
 - Agreement and approval of Road Safety Audit Stage 1 pertaining to GSJ on A168
 - Reliance between the approval of application 10/02373/OUT and this application
 - Agreement with the Agency and the Applicant on the construction sequence (if required) including working arrangements / restrictions.

Natural England

- 4.9 From the information provided with this application this proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal an EIA development.

- 4.9 We note that an ecological survey has been provided with this application. The survey indicates that both Reptiles and Bats may be impacted by this development and the report recommends that a Reptile Survey and a Bat Activity Survey are undertaken.
- 4.10 If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.
- 4.11 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Yorkshire Wildlife Trust

- 4.12 The conclusions given within the Phase 1 Habitat Survey are reasonable given that the area is already disturbed and has recent plantings. Recommend that the suggested surveys for badgers, bats and reptiles are conditioned and that a wildlife friendly planting plan for the junction is drawn up.
- 4.13 The Environment Agency – the proposed development will only be accepted if the following planning condition is imposed:-
- 4.14 The development hereby permitted shall not be commenced until such time as a detailed surface water drainage scheme, in line with the principles of the Drainage Statement submitted by Mouchel, has been submitted to, and approved in writing by, the local planning authority.
- 4.15 The watercourse shown on the plans flows into Cod Beck Internal Drainage Board (IDB). As such the IDB should be consulted regarding the application.

Shire Group Internal Drainage Boards

- 4.16 There is insufficient information on drainage to give any useful comment. Whilst the site is outside any Internal Drainage District there is a risk that additional run-off will be generated which will ultimately drain into the Cod Beck District. The Board's byelaw No.3 applies which requires the Boards Consent for any introduction of water into the district.

Environmental Health Officer

- 4.17 No objections.

Senior Scientific Officer

- 4.18 The report highlights a predicted exceedance of the NO₂ annual mean objective at the 2011 baseline scenario. Given the close proximity to the A19 the main source of pollution is vehicle exhaust emissions. The ADMS model predicts concentrations based on numerous inputs, such as background concentrations and traffic data. As with all models there is a degree of inaccuracy and one model will give a different

result to another model. Therefore, when reporting air quality results to Defra as part of the Councils responsibilities under Local Air Quality Management (LAQM) monitored results should be used in preference to modelled results, where ever possible.

- 4.19 As we have not conducted any monitoring exercises at Halfway House, we cannot say, other than through the results of the modelling submitted, whether any exceedances are occurring or are likely to occur in the future. What we can do though, is to compare results from a comparable site to the Halfway House site. One such site, which I consider comparable to Halfway House, is located at Jeater House on the A19 north of Thirsk. HDC has monitored NO₂ at Jeater Houses since 1999. The site is approximately 10m from the edge of the A19, which is approx 2m closer to the A19 than the façade of Halfway House is to the edge of the A19. Therefore, our site at Jeater Houses can be considered a worse case scenario. On this assumption, if there are no exceedances at Jeater Houses in a given year, then we can be confident that there would not be any exceedances at Halfway House in the same year.
- 4.20 The 2010 annual average for Jeater Houses was reported to, and accepted by, Defra as 36.2ug/m³ (against the objective of 40ug/m³). The results for 2011 will not be available until Jan/Feb 2012 however the current concentrations are below the annual average and are expected to be less than 40ug/m³ at the end of the year. We can safely assume that if there are no predicted exceedances from the monitored results at Jeater Houses then it is unlikely there would be an exceedance at Halfway House. Despite the ADMS model predicting an exceedance for the 2011 baseline NO₂ concentrations at Halfway House, from our monitoring work it is unlikely there will be any exceedances and therefore I see no need to request additional mitigation measures as part of this development.

Publicity

- 4.21 Neighbouring occupiers were consulted in writing, a site notice was erected close to the application site and an advert appeared in the local press. The period for replies expired on 4th October 2011. 14 individual objections were received and have been summarised as follows:-
- a) Serious traffic hazard to owners, visitors and heavy agricultural vehicles accessing land and property from the B1448.
 - b) Will create a problem for refuse collection from properties at Hagg House.
 - c) Seriously impair the southerly views from properties at Hagg House.
 - d) Increase in traffic noise – disturbance in gardens and inside dwellings.
 - e) Will affect property values.
 - f) Removal of mature trees goes against environmental policy.
 - g) Low cost solution.
 - h) The north bound exit slip road, towards Sowerby, has a short slip road which turns at right angles into the face of oncoming traffic wanting to enter the A168 to go north. The speed of this exiting traffic I predict would be quite considerable and could conflict with oncoming traffic.
 - i) This slip road terminates in a 'T' junction which is reminiscent of the T junction giving access to the Northern end of the Easingwold by-pass. This was changed to a roundabout after a very short time because of the number of fatal and serious accidents.
 - j) A further hazard with this 'T' junction is that on busy occasions traffic will back up onto the dual carriageway making this an extremely dangerous stretch of road.
 - k) The same applies to the on and off slip road on the southbound A168. High speed traffic wishing to enter the A168 from the slip road will be confronted by traffic exiting the A168 which will have had to slow down from 70mph (and more) to about 20 mph to safely negotiate the bend at the beginning of the slip road.
 - l) Although the A168 is not designated a motorway the same general advice given

in 'The Highway Code' for entering and leaving motorways will be followed by motorists. i.e. that you should build up your speed in the slip road to that of the traffic already on the motorway. These slip roads would not allow a driver to do that

- m) This junction is not suitable for the speed and volume of traffic that will use the junction. What is required for safety and the free flow of traffic is a traditional motorway junction with an overhead roundabout system with proper slip roads leading on and off this extremely busy highway.
- n) Slip roads where both oncoming and off going traffic are sharing the same slip road seems hazardous. I am aware there are similar junctions on the A168, but these I would suggest are less used junctions, whereas this junction would be heavily used by cars and commercial vehicles when the Sowerby new town development starts to be constructed.
- o) Topcliffe Road from the bottleneck at Town end and all the way along to the junction of the A168 is already a problem without the thought of northbound traffic and (perhaps) the added amount, which the proposed extension to Sowerby would bring.
- p) Would it not be sensible to make a junction on the Sutton Road onto the B168 instead of just a fly-over?
- q) The bridge has a 7.5 tonne limit that makes the extended development of this as a 4-way interchange pointless unless the bridge is strengthened and I see no proposal to do so.
- r) Concerned that this will have a negative impact on the access to Oak Tree Cottage, Hagg House Track
- s) When there is an existing track on the opposite side that surely could be utilised and improved for the benefit of northbound traffic. This would seem to be a much more logical and cost effective solution.
- t) It cannot be assumed at all that traffic bound for Sowerby Gateway to or from the north on the A19 will use this exit.
- u) It is considerably cheaper in terms of fuel costs to travel to and from Sowerby Gateway via either the centre of Thirsk or via Blakey Lane. Therefore the interchange may not be used as frequently as might be anticipated and it won't necessarily reduce or alleviate traffic pressure in Thirsk and Sowerby.
- v) This B road does not benefit from general winter road maintenance i.e. snow ploughing and salting.
- w) This proposal aims to re-use the existing bridge over the A168 which is sensible and cost effective but brings with it the potential for danger. It also intends keeping the road as currently laid out merely changing it from what is effectively a dual carriageway into a two way road.
- x) Ever since this road was built it has been a dual carriageway and unless there is a substantial change will remain in drivers' minds for a long time. Consequently a major redesign is required to ensure drivers do not lapse into thinking the layout is the old one. Suggested alternative with a roundabout either side of the bridge.
- y) This junction is irretrievably attached to the 'Sowerby Gateway' application 10/02373/OUT and cannot therefore be separated from this application unless 10/02373/OUT is officially either withdrawn or re-applied.
- z) TM2 is an integral part of the LDF which has been approved by the Secretary of State; the LDF would have to be re-submitted to the Inspector.
- aa) The application is premature because the Allocations DPD upon which it and its associated development site rely is subject to legal challenge. The application should be held in abeyance has been dealt with and then refused.
- bb) The site linked to the application and subject to an associated outline application is less sustainable than alternative sites in the settlement as indicated by paragraph 2.177 of the Inspectors' report into the Allocations DPD.
- cc) Concerns raised about the accuracy and reliability of the traffic data provided by Mouchel. The application should not be considered until those matters have been satisfactorily resolved.
- dd) The application will lead to construction and subsequent traffic going through

- Thirsk Market Place and along Blakey Lane, Gravel Hole Lane and South Moor Lane. The result would be complete gridlock.
- ee) Cost should be borne by the developer
 - ff) Light pollution
 - gg) Any trees that are cut down should be replaced.
 - hh) Every effort to minimise the impact of the scheme should be made
 - ii) Speed limit should be introduced
 - jj) Works to the junction should be carried out quickly in order to cut down on disruption
 - kk) Public consultation has been poor
 - ll) Various objections raised to application 10/02373/OUT

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application are the principle of the development; impact on neighbours; visual impact, trees and landscaping; ecology; drainage; air quality and highway safety.

Principle of Development

- 5.2 Policy TM2 of the Allocations DPD identifies land at South-West Thirsk / Sowerby as a strategic mixed use development comprising: housing, employment, a neighbourhood centre, retail, food establishments, social and health facilities; a new primary school and other local amenities including public open space, sport and recreation facilities. This is subject to application ref: 10/02373/OUT.
- 5.3 Criterion ii) of Policy TM2 requires the formation of an improved junction of the B1448 and A168, permitting north and south movements. This new junction will provide a direct link to the A168 to the south, and thereby reducing the number of vehicles needing to travel northwards through Thirsk Market Place to access the A19 part of the Thirsk Bypass. The proposed junction improvements will be funded by the developer.
- 5.4 In addition, Policy DP16 gives support to development that assists the economy and employment. The proposed junction improvements will facilitate delivery of TM2 and therefore is particularly compliant with: criterion iii) measures which provide infrastructure necessary to support economic development; criterion iv) ensuring the continued renaissance of the five Service Centres; ix) provision of mixed use sites and xiii) supporting transport investment which will help sustain the local economy.
- 5.5 Furthermore, Policy DP6 states that the provision of additional infrastructure will be permitted where this is consistent with the principles of sustainable development.
- 5.6 In light of the above, the proposed junction improvements are considered to be acceptable in principle.

Impact on Neighbours

- 5.7 Policy DP1 stipulates that all development proposals must adequately protect amenity.
- 5.9 Policy DP44 states that *'Development likely to generate harmful noise levels will be directed to appropriate locations away from known noise sensitive locations.'*
- 5.10 A Noise Impact Assessment, produced by Philip Dunbavin Acoustics Ltd, has been submitted with the application.
- 5.11 The Noise Impact Assessment concludes that comparing the 2016 normalized "Existing" and "Proposed" junction scenarios shows that the largest predicted

increase is +2.5dB occurring at first floor level at the Hagg House property boundary. The glossary to PPG24 advises that a change of 3 dB(A) is the minimum perceptible.

- 5.12 Based on The Design Manual for Roads and Bridges (DMRB) assessment criteria, which describes a method for assessing the severity of a noise impact, in terms of the number of people who will be disturbed by any noise increase due to a new or altered road scheme, this would indicate a “Minor” impact in terms of increase in traffic noise, and therefore the increase would be deemed to be within acceptable level of increase.
- 5.13 Should quieter road surfaces be used in the new development than a reduced impact would be achieved.
- 5.14 PPS23 Planning & Pollution Control permits LPA’s to take account of the possible polluting impact of lighting in preparing local development documents.
- 5.15 The Council does not have a specific policy on artificial lighting. However, as identified above, DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to...*inter alia*...light pollution.
- 5.16 An Artificial Lighting Survey has not been undertaken by the applicant, however the final details of artificial street lighting will be controlled by condition in order to ensure that the impact to existing residents is minimised as far as reasonably possible. In addition, a landscaping scheme will be secured via condition. This will result in a new planting belt between the nearby properties at Hagg House and the new junction, which will significantly minimise any light pollution.
- 5.17 In light of the above findings, the proposed all-movements junction will not result in greater loss of amenity to local residents than that currently experienced as a result of the existing junction.

Visual Impact, Trees & Landscaping

- 5.18 Policy DP33 specifies that landscaping of new development must be an integrated part of the overall design which complements and enhances development and, *inter alia*, protects key landscape features.
- 5.19 The existing junction is surrounded on all sides by deciduous woodland plantations. These plantations have a significant positive impact on the local landscape and collectively provide an excellent screening of the existing junction from neighbouring properties.
- 5.20 An Arboricultural Report and Implications Assessment, undertaken by JCA Limited, has been submitted with the application. The report examines the impact of the proposed junction improvements on the plantations and individual trees. The report reveals a total of 43 items of vegetation (37 individual trees and 6 groups of trees) on site. The species surveyed include Sycamore, Ash, Hawthorn, Maple, Holly, Elder, Elm, Oak, Scots Pine, Beech and Willow. The predominant species were Goat Willow, Sycamore and Hawthorn, with other species being occasional, or even single, specimens. The trees surveyed ranged in age from young to mature. However, the trees were predominantly early mature and mature.
- 5.21 The following trees require removal as they are situated within or in close proximity to the footprint of the proposed development: T15 (Norway Maple – Cat C), T16 (Elm – Cat C); T17 (Norway Maple – Cat B); T31 (Sycamore – Cat B); T32 (Elm – Cat C); T33 (Sycamore – Cat B); T34 (Sycamore – Cat B) and sections of G41 (Mixed – Cat B); G42 Mixed – Cat B) and G43 Mixed – Cat B). All trees identified for removal are either Category B specimens of moderate arboricultural quality and or Category C trees of poor arboricultural quality. All of the trees are of moderate amenity value

and therefore do not warrant protection at the expense of delivering the junction improvements which are linked to the wider benefits of delivering Allocation TM2.

- 5.22 An Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree to be retained should be secured via planning condition.
- 5.23 In addition, a landscaping scheme will be secured via planning condition. It is anticipated that the landscaping scheme will introduce a screen between the proposed new junction and those properties at Hagg House. The landscaping scheme will also provide biodiversity gain by strengthening the existing habitat. The retained and proposed landscaping will help to assimilate the proposed all-movements junction into the landscape.

Ecology

- 5.24 PPS9 sets out the national policies for the protection of biodiversity and geological conservation via the planning system. The Statement underlines the Government's commitment to conserve, enhance and restore the diversity of wildlife and geology and to contribute to rural renewal.
- 5.25 To this end, PPS9 states that where the granting of planning permission would result in significant harm to such interests, LPA's must be satisfied there are no alternative sites and that the development of which would result in less or no harm.
- 5.26 Where this is not possible, LPA's should ensure that, before planning permission is granted, adequate mitigation measures are in place. Where significant harm cannot be prevented, adequately mitigated against or compensated for, PPS9 states that planning permission should be refused.
- 5.27 Policy DP31 of the LDF states that '*Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value*'. A Phase 1 Extended Habitat Survey, produced by WSP, has been submitted with the application.
- 5.28 Survey work and desk top studies have identified that those habitats on site are generally of low ecological value but have the potential to support nesting birds, reptiles, badgers and foraging bats.
- 5.29 The site contains a section of a hedgerow which is a UK BAP (Biodiversity Action Plan) priority habitat. This is considered a potential constraint. Compensatory planting of equivalent length or more is recommended using native species to form a species rich hedge.
- 5.30 The section of deciduous woodland plantation falls within the UK BAP priority habitats list, as Lowland Mixed Deciduous Woodland. However, the woodland block has been planted around the road junction and has low intrinsic conservation value. This is therefore not considered a potential constraint.
- 5.31 Brown-long eared bat is a UK BAP priority species and was identified within less than 30 metres from the development site, during 1987. There are areas of potential foraging habitats on the edge of site. This species is considered a potential constraint. The foraging/commuting habitats (woodland edge) to be effected can be compensated for by replacement with a native, species rich hedgerow or new woodland strip along the western course of the proposed new road
- 5.32 The pond onsite is a UK BAP priority habitat and is considered a potential constraint. The pond provides opportunities for foraging bats, and could benefit a number of other species and could make a significant contribution to site biodiversity. Retention

of the pond is not possible so a compensatory pond of equivalent size should be created, including native aquatic plant species. This can be required by a condition.

- 5.33 The survey recommends that bat activity surveys and reptile presence/ absence surveys are undertaken. It is also recommended that a Badger survey is undertaken on site and within 30 metres of the development footprint immediately prior to works commencing on site.
- 5.34 With the implementation of native wildlife friendly planting, the incorporation of bat and bird boxes and the creation of an artificial refuge, the value of the site could be improved to a level above that of the existing baseline. Consequently, the proposed development is considered to comply with PPS9 and Policy DP31.

Drainage

- 5.35 PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk.
- 5.36 Policy DP43 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.
- 5.37 For the drainage of the carriageway surface, surface water channels and/or gullies will be used to remove water from the road surface. A pipe network of varying depths is then to be used to transport the water to suitable outfall locations.
- 5.38 In the design of the drainage outfalls, due consideration will be required to pollution control and the prevention of flooding. Potential for flooding can be reduced by designing for appropriate storm return periods and design rainfall intensities and increased by 20% to allow for climate change.
- 5.39 Filter and/or narrow filter drains are proposed to be used to drain the highway pavement, and to collect surface and sub-surface run off from the highway earthworks.
- 5.40 The Environment Agency has not raised an objection to the application on flood risk grounds. The Internal Drainage Board has commented that the application contains insufficient information on drainage but has not raised an objection as such. Any run-off into Cod Beck District will require the Internal Drainage Boards Consent and therefore the IDB maintain control over the discharge of surface water. In addition, details of the drainage scheme can be secured via condition.

Air Quality

- 5.41 National policy guidance regarding local air quality and new development is provided in PPS23. With regard to emissions to air, and specifically air quality management, Appendix 1G f Annex 1 to PPS23 states that 'any air quality consideration that relates to land use and its development is capable of being a material planning consideration.'
- 5.42 An Air Quality Assessment Report, produced by WSP, has been submitted with the application. Following a qualitative assessment of the potential impacts on local air quality, the report concludes that during construction releases of dust and particulate matter are likely to occur. However, through good site practice and the implementation of suitable mitigation measures, the impact of dust and particulate

matter releases will be reduced and excessive releases prevented. The residual effects of the construction phase on air quality are considered to be negligible.

- 5.43 In addition the results show that during its operational phase, the development would cause small to imperceptible changes in nitrogen dioxide pollutant concentrations and imperceptible or no changes in particulate matter pollutant concentrations, with the exception of one receptor in 2026 which experiences a small change in concentration.
- 5.44 At all locations concentrations are predicted to meet the statutory objectives both with and without the development. This is with the exception of Receptor 30 (Halfway House) which exceeded the annual mean nitrogen dioxide objective in the baseline year 2011.
- 5.45 According to the assessment significance criteria the impact of this proposed development is considered to be negligible for nitrogen dioxide and negligible to neutral for particulate matter.
- 5.46 Based on the above, the proposed development is considered to comply with Policy DP1 Protecting Amenity.

Highway Safety

- 5.47 PPG13 seeks to integrate planning and transport policies at national, regional and local levels in order to:
- Promote more sustainable transport choices for both people and for moving freight;
 - Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
 - Reduce the need to travel, especially by car.
- 5.48 PPG13 states that the transport implications of new development should be understood and traffic generation, parking provision, layout and other measures employed to improve access arrangements. Local authorities are required to apply maximum parking standards to development to promote sustainable transport choices. Walking and cycling is also encouraged.
- 5.49 A Transport Assessment, produced by Mouchel, has been submitted in support of the application which provides much of the technical information relating to traffic movements, design of the highway works, highway safety matters and timescales for implementation.
- 5.50 The limited land available to the developer for construction purposes means that it is not physically possible to provide an all movements junction arrangement that fully complies with the Design Manual for Roads and Bridges – Layout of Grade Separated Junctions (TD 22/06). Consequently, the applicant has applied to the Highways Agency for their approval to accept the submitted design as a departure from the usual road geometry standards.
- 5.51 The Highways Agency is currently considering the applicants proposal under the departures procedure and has indicated that a final decision is likely in early 2012. In the meantime, the Highways Agency has issued a Holding Direction (TR110) which prevents the Council from grant planning permission for a period of six months from 22/08/11. However, the Council is still at liberty to consider the application subject to the final comments of the Highways Agency.

- 5.52 Construction of the proposed junction will be carried out under appropriate traffic management arrangements (including reduced speed limits where necessary) as agreed with the Highways Agency and the Local Highway Authority.
- 5.53 Future maintenance works would be carried out under appropriate traffic management arrangements. Where necessary, reduced speed limits and narrow lanes would be utilised to allow the works to be carried out safely and efficiently.
- 5.54 Following negotiations with Council Officers, the applicant has agreed to complete the all-movements junction within 6 months of the occupation of the 1st dwelling. This can be secured via planning condition linked to application ref: 10/02373/OUT.
- 5.55 Observations have been made regarding the design of the proposed junction and measures that could amongst other things improve safety. The Road Safety Audit to be carried out for the development as set out in the response from the Highways Agency will assess the safety implications. If amendments to the design are required to achieve safe operation of the junction and affected roads they will be identified by this process.

Conclusion

- 5.55 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the proposed all-movements junction.

6.0 SUMMARY

- 6.1 Subject to the final comments of the Highways Agency and their approval under the departures procedure for non-standard highway design, the principle of the proposed all-movements junction is considered to be acceptable and the site specific issues, including: impact on neighbours; visual impact, trees and landscaping; ecology; drainage; and air quality are found to be in accordance with the aims and policies of the Hambleton Local Development Framework.

7.0 RECOMMENDATION

GRANTED subject to the following conditions:-

1. Commencement

The development hereby permitted shall be begun within five years of the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawing number 1020530/100/02 Rev.B received by Hambleton District Council on 6th July 2011 and drawing number 1020530/100/07 Rev.A received by Hambleton District Council on 11 August 2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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 Hambleton Local Development Framework Policies CP17 and DP32.

3. Surface Water Drainage

The development hereby approved shall not be commenced until details of surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved drainage scheme shall be implemented and maintained in accordance with the approved details.

Reason: In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43

4. Approval of Details for Works in the Highway (Amended)

There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- (i) Full details of the required highway improvement works in accordance to the Department for Transport's Design Manual for Roads and Bridges, have been submitted to and approved in writing by the Local Planning Authority.
- (ii) Independent Road Safety Audits have been carried out fully in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
- (iii) A programme for the completion of the proposed works has been submitted.

Reason: In accordance with Policy CP1, CP2, DP1 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

5. Precautions to Prevent Mud on the Highway

There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning agrees in writing to their withdrawal.

Reason: In accordance with Policy CP1, CP2, DP1 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

6. On-site Parking, on-site Storage and construction traffic during Development

Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with Policy CP1, CP2, DP1 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. Routing of Construction Traffic

Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Reason: In accordance with Policy CP1, CP2, DP1 and DP4 and in the interests of highway safety and the general amenity of the area.

4.

10/02373/OUT

Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered

at Land off Topcliffe Road and Gravel Hole Lane, Sowerby, North Yorkshire

for Castlevale Group, Broadacres & Messrs Sowerby

1.0 POLICY BACKGROUND

- 1.1 The application site is located within the limits to development of Sowerby and has been identified by the Council as a strategic site for mixed development within the Allocations Development Plan Document (DPD) - Policy TM2 - as adopted by Full Council on 21 December 2010.
- 1.2 The Allocations DPD stipulates that the South West Thirsk Area TM2 will be developed through a comprehensive mixed use scheme, including housing; employment; a neighbourhood centre comprising retail, food establishments and social and health facilities; a new primary school; and other local amenities such as a community park including allotments and structural landscaping.
- 1.3 This is the main allocation proposed for the Thirsk Sub Area. A scheme of this size generates a number of development requirements that are described within the Allocations DPD. The developer will be required to make contributions towards the provision of essential infrastructure including: highway improvements, provision of additional school places and health care facilities.
- 1.4 With regard to phasing, the development of the housing areas will need to be aligned with the phasing requirements of the LDF in general and in particular the 3 housing phases (Phase 1: up to 2016; Phase 2: 2016 – 2021; and Phase 3: 2021- 2026). The 3 phases of dwelling completions (190; 350; 385) are likely to be controlled by planning conditions attached to any planning permission granted and will enable housing need as it arises during the plan period to 2026 to be matched by housing provision.
- 1.5 The exact wording of Policy TM2 of the adopted Allocations DPD is reproduced in full on the following page:-

This area is identified as a strategic site for mixed development, comprising the following uses:

Site A: Westbourne Farm (23.0ha)

Allocated for housing development at a density of approximately 40 dwellings per hectare, resulting in a capacity of around 920 dwellings (of which a target of 40% should be affordable); for development in Phase 1 (up to 2016), Phase 2 (2016-2021) and Phase 3 (2021-2026);

Site B: Cocked Hat Farm (13.0ha)

Allocated for employment (Use Classes B1 business, B2 general industrial and B8 storage and distribution);

Site C: Neighbourhood Centre (4.9ha)

Allocated for neighbourhood centre, comprising retail, leisure and associated uses such as a health centre;

Site D: East of Topcliffe Road (3.3ha)

Allocated for primary school use;

Site E: Gravel Hole Lane (7.8ha)

Allocated for community uses, including recreation/community park and allotments.

Development will be subject to the following requirements, to be achieved where necessary through developer contributions:

- i. type and tenure of housing to meet the latest evidence on local needs;
- ii. formation of an improved junction of the B1448 and A168, permitting northsouth movements;
- iii. improved foot and cycle access to the Town Centre / Topcliffe Road and to retail facilities on Station Road and the Thirsk Railway Station;
- iv. improved public transport links along Topcliffe Road to serve the development;
- v. provision of a new primary school;
- vi. provision of a community park and allotments;
- vii. provision of structural landscaping and high quality design and layout;
- viii. drainage to be achieved through a Sustainable Urban Drainage Scheme (SUDS) including on-site storage; and
- ix. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.0 THE PLANNING APPLICATION

- 2.1 This application is comprehensive in its submission and seeks outline planning permission for the development as described above but with Phase 1 of the development having no matters reserved and which comprises 107 residential dwellings and 4,412 sqm of light industrial/employment development along with the requisite infrastructure including the new access roundabout on Topcliffe Road.
- 2.2 This application is supported by a package of submission documents including: -
- Coordinated Masterplan
 - Design & Access Statement - Masterplan
 - Application Design Stages Plan
 - Movements Plan
 - Phasing
 - Parameter plan 1 - Land Use
 - Parameter plan 2 - Movements plan
 - Parameter plan 3 - Landscape Strategy
 - Parameter plan 4 - Density

 - Design & Access Statement - Phase 1 Residential
 - Proposed Site Layout
 - Elevations / Housetypes
 - Streetscenes
 - Landscaping Plan
 - Boundary Details

 - Design & Access Statement for Phase 1 Commercial
 - Proposed Layout
 - Proposed Elevations / Floorplans
 - Proposed Streetscenes
 - Landscaping Plan

 - General Arrangement
 - Phase 1 Infrastructure – 1:500 Eng Layout Sheet 1
 - Phase 1 Infrastructure – 1:500 Eng Layout Sheet 2
 - Detailed Topographical Survey

 - Affordable Housing Proforma
 - Topographical Survey
 - Statement of Community Involvement
 - PPS4 Assessment (hotel and public house)
 - Planning Statement
 - Amended Planning Statement to reflect the reinstatement of the Regional Spatial Strategy
 - Flood Risk Assessment (including Drainage Strategy)
 - Geo-Environmental Report
 - Supplementary Geotechnical Investigation Report
 - Phase 1 Habitat Survey and Protected Fauna Survey
 - Breeding Bird Survey
 - Transport Assessment
 - Travel Plan
 - Agricultural Land Survey
 - Archaeological Desk Based Assessment
 - Archaeological Geophysical Survey
 - Energy Statement
 - Sustainability Appraisal
 - Code for Sustainable Homes Report (for phase 1 residential)
 - Exploratory Bore Hole Report
 - Draft Section 106 Agreement (Heads of Terms)

- Environmental Statement: Volume 1 Main Text and Figures.
- Environmental Statement: Volume 2 (a & b) Appendices;
- Environmental Statement: Non-Technical Summary; and
- Environmental Statement: Statement of Conformity.
- Addendum to the Environmental Statement to reflect the reinstatement of the Regional Spatial Strategy
- Addendum to Environmental Statement (additional information)

Outline Proposal – Masterplan

- 2.3 The outline application is comprised of 925 residential dwellings, employment uses including B1 offices and light industrial, B2 general industrial and B8 storage and distribution uses, a neighbourhood centre – comprising: shops (A1), financial & professional services (A2), restaurant(s) & café(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) & medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking & means of access. All matters are reserved apart from means of access.
- 2.4 The mix of development shown on the Masterplan is as follows:-
- 925 residential dwellings lying west of the existing residential edge of Sowerby, North West of Topcliffe Road and south of Green Lane.
 - 15.88ha of employment development north of Milburn Lane, east of the main east coast rail line and south of Green Lane. This breaks down into 8.05ha of commercial/office development with 7.83ha for industrial use.
 - A Neighbourhood Centre to the east of Topcliffe Road (approximately 1.37ha) including retail, office (A2), hotel and pub uses.
 - Education development (1.05ha) to the east of Topcliffe Road (approximately 1.65ha) comprising a new primary school.
 - Community/care development facility (1.65ha) to the east of Topcliffe Road adjacent to Neighbourhood Centre to include a new surgery and care home,
 - Sports facilities/pitches (9.70ha).
 - Community Gardens (1.81ha).
- 2.5 Housing (Site TM2A) is proposed to be at a density of an average of 40 dwellings per hectare across the site. It is likely that residential densities will vary across the wider site and particularly around the proposed Neighbourhood Centre where densities are likely to be more than 40 dwellings per hectare. The proportion of affordable houses proposed will be 40% as required by Core Policy CP9. The proposed scheme will deliver a range of 2, 3, 4 and 5 bedroom houses and some flats in order to satisfy the diverse requirements of the local community.
- 2.6 Employment related development (15.88ha in total) will be located on the south western element of the site adjacent to Cocked Hat Farm with Milburn Lane to the south, the railway to the west and Green Lane to the north. The employment development is anticipated to be split between 7.83ha of industrial and storage distribution uses (B2 and B8), and 8.05ha offices and commercial uses (B1). The B2/B8 uses will be located alongside the heavily planted edge of the East Coast Main Line and separated from the housing areas by high quality landscaping and B1 office/commercial development.
- 2.7 A new neighbourhood centre is proposed comprising retail, leisure and social facilities, including a health centre, hotel and public house. In addition land to the north and east will be used for education and care uses (extra care facility and doctor's surgery). Pedestrian and cycle access will be included as part of the overall layout for the South West Thirsk Area as shown on the Masterplan – movements plan. Parking and servicing facilities and a hard and soft landscaping scheme are also proposed.

- 2.8 The South West Thirsk Area will generate a need for more primary school places to the extent that a new seven classroom school will be required, which the developers will pay for entirely. Whilst a specific location has yet to be finalised, a new primary school is shown to the north of the neighbourhood centre on the Coordinated Masterplan. It is envisaged that the new school will be operated by the Local Education Authority.
- 2.9 The extra housing will necessitate additional open space provision. Provision is to be made to the east of the Neighbourhood Centre (Site TM2E) for community uses, including playing fields, a recreation or community park and allotments/community gardens.
- 2.10 Structural landscaping will be provided along the northern, western and southern peripheries of the development. A similar approach is required in order to reduce the visual impact for residents of properties in Gravel Hole Lane, Cocked Hat Park and Saxty Way. A network of 'green links' is intended, which is independent of but interlaced with both the main and residential road network. These 'green links' will facilitate easy navigation through the area on foot or by bike almost completely separate from roads other than the need for occasional crossings. These routes are to be landscaped using a mix of native woodland copse, hedgerows and species rich grassland.
- 2.11 Access is an unreserved matter and the application is therefore accompanied by details of the new access points which are in the form of two new roundabouts on Topcliffe Road to serve the new employment zone and the Phase 1 residential development.
- 2.12 A second application (ref: 11/01435/FUL) for the formation of an improved junction of the A168(T) and B1448 to permit northbound and southbound movements was received on 29th July 2011. The junction will be completed within 6 months of the occupation of the 1st dwelling or (1,500 sqm of commercial floorspace) whichever is the sooner.

Phase 1 – Residential

- 2.13 The phase 1 residential development contains 107no dwellings in total together with associated parking, garaging, highways and 'green' spaces. This equates to a density of approximately 31 dwellings per hectare gross and 43.48 dph net of land taken by public open space and highway.
- 2.14 10% of the phase 1 residential site area is dedicated to publicly accessible open space in a variety of forms – some hard and some soft. Some areas are to serve as informal amenity 'greening', some following footpaths and cycle routes; others will have more specific uses, such as casual parking, play or community interaction.
- 2.15 The proposed accommodation varies from a modest 2 bed duplex unit to a 4/5 bed detached property with double garage. The applicant has agreed to provide 40% affordable housing. The following schedules the proposed housing mix:-

Private

- 6no two-bed dwellings
- 28no three-bed dwellings
- 30no four-bed dwellings

TOTAL 64no

Affordable

- 17no two-bed dwellings
- 16no three-bed dwellings
- 10no four-bed dwellings

TOTAL 43no (40.18%)

- 2.16 The vast majority of the proposed dwellings are two-storey in height. However, 15no two and a half storey dwellings are scattered throughout the site. A group of 10no three-storey dwellings bounding Topcliffe Road have been deleted from the scheme and replaced with a mix of two-storey and two-and-a-half storey dwellings.
- 2.17 It is proposed to construct the dwellings using a range of soft red and brown brickwork interspersed with off-white render to break up the street scene. Roofs will be a combination of natural clay pantiles and grey slate.
- 2.18 The proposed 'Renewable Energy Strategy' requires photovoltaic panels on the southerly aspect roofs. Flush fitting panels are proposed. The house types will also incorporate other design elements in order to meet the Code for Sustainable Homes Level 4 standards, such as the home office space, water butts etc.
- 2.19 The proposed boundary treatments will be broken down into different character areas with a combination of low native and evergreen hedgerows, estate railings, post and rail fences and more formal dwarf wall and railings to the 'Town Square' frontages.
- 2.20 The total of 268 car parking spaces is proposed throughout the development. This is comprised of 218 parking spaces/drives/carports and 50 visitor bays, which equates to approximately 2.5 spaces per dwelling. A further 71 garage spaces are proposed.
- 2.21 All garages are sized to meet Code for Sustainable Homes criteria, providing sufficient space for the car, cycles and other household storage. Where garages are not provided, garden sheds will cater for the necessary secure storage space for cycles and garden equipment.
- 2.22 Many of the properties comprise detached or semi-detached houses and as such shared rear access paths have been avoided with most dwellings having their own private footpath access to the rear gardens. Where terrace type properties occur, access to the rear is generally gained via a private access court through separate gates.
- 2.23 The two mature hedgerows to the north eastern boundary and existing trees along Topcliffe Road are to be retained. An existing field hedge that dissects the smaller parcel of land is to be removed together with the hedge along Topcliffe Road. An extensive amount of new landscaping is to be incorporated within this first phase and the site as a whole.
- 2.24 Where possible the dwelling's private amenity spaces back onto other gardens or are screened from public areas by 1.8m high flat faced walls or vertically boarded fencing, with rails inboard or dense hedgerows with thorny varieties.
- 2.25 The eastern boundary planting is reinforced to create a solid green edge between the site and Cocked Hat Park with the existing track between to be used as a publicly accessible footpath and cycle route.
- 2.26 The two parcels of the phase 1 residential land are divided by a central spine road that is to serve the wider development. This has a central highway with cycle and footpath routes detached from the road by grass verges. There are no vehicular links to the dwellings from the spine road.

- 2.27 The vehicular access into the larger site is from Topcliffe Road, at the eastern corner, and from a secondary access road along the western edge into the smaller site. Both site's highways are designed as cul-de-sacs become shared pedestrian and vehicle surfaces and are proposed to be in contrasting tegular block paving to give a softer, more informal appearance.

Phase 1 – Commercial

- 2.28 The first phase of employment layout comprises 4,412 sqm of light industrial units. These will be in the form of 15 no. incubator/starter units which are intended to create local employment and design and build opportunities.
- 2.29 The development has been designed with a linear feel. The location of the access road through the centre of site gives three distinct areas of development. The first is a pair of terraced units to the right and fronting the access road. The second is to the left of the access road. This area is generally square and provides a courtyard feel with two units set at 90 degrees to each other. The units face the main access road to maximise visibility. Those units, located to the rear of the site, enable a courtyard feel with two units set at 90 degrees to each other.
- 2.31 The proposed units are principally single storey with a hierarchy of building ridge heights. The smaller units have a 7m ridge and the larger units have an 8m ridge. The development seeks to maintain a scale similar to agricultural buildings in the area.
- 2.32 The scheme has been designed using a palette of modern materials. The development uses a mixture of cedar cladding, flat cladding and white render and architectural blockwork. The entrances are identified with a glazed screen. Flat cladding is used to define the unit sizes. The rear of the units are predominately architectural blockwork with a render band at the upper section running around the building. All entrances features, fire exit and roller shutter service doors are to be matching grey-coloured framing system.
- 2.33 The site is accessible to both vehicular, cycle and pedestrian access through the construction of the new access road to the north of the site. The access road links directly to Topcliffe Road, which gives access to Thirsk and the A168.
- 2.34 New disabled car parking provision is to be provided within close proximity to the building entrance.
- 2.35 Native hedgerows are used to provide short and medium distance screening. Internally these hedges are to be maintained at a height of 1.2m to screen parked cars and low level storage. Boundary hedges will be maintained at 2m.
- 2.36 On the southern and eastern boundaries woodland blocks will be established to provide more continuous screening of the buildings particularly from views from the A168(T) and Topcliffe Road.

Phasing

- 2.37 The residential development not included within Phase 1 will be developed out in accordance with the phased strategy of the Allocations DPD and is reflected on the Masterplan. The remainder of the employment allocation will be developed out in accordance with market demand.
- 2.38 The applicant anticipates that the remaining elements will be developed as follows:-
- Community Gardens / Sports facilities – Phase 1 (2010-2016)

- The retail element of the neighbourhood centre together with ancillary offices at first floor, hotel and pub/restaurant - Phase 1 (2010-2016)
- The new school - Phase 2 (2016-2021)
- The health care / extra care facility - Phase 3 (2021-2026)

Amendments

2.39 Following the detailed consideration of representations received by the general public, views of Members following Planning Committee on 23rd June 2011 and the public meeting held at Sowerby Parochial Church Hall on 6th July 2011, the applicant was requested to make the following amendments to the application. These amendments have been duly lodged with the Council and further public and statutory consultation has taken place.

- a) The proposed highway layout has been changed from a cul-de-sac dominated layout to a grid pattern creating a clear hierarchy of primary, secondary and tertiary routes. This layout reflects the form of development elsewhere in Sowerby and creates a more permeable environment assisting people navigate their way through the development.
- b) An improved footpath and cycle route to link the development to the railway station. This will be included in details of the travel plan and provision made in the s.106.
- c) The form and design of the “neighbourhood centre” will be amended to better reflect the character and appearance of Thirsk and Sowerby.
- d) The proposal to locate additional retail and recycling facilities within later phases of housing development have been amended. The view is that it would be better to concentrate these facilities within the “neighbourhood centre”.
- e) All three storey housing has been deleted from the development because this does not reflect the form and character of Thirsk and Sowerby.
- f) Further consideration has been given to the indicative designs for the business development along the main spine route which will form the buffer between the more industrial type development alongside the railway line and the residential development.

3.0 SITE DESCRIPTION

3.1 The application site is open greenfield land on the south western edge of Sowerby, prominent on the approach towards the town from the A168. It is in arable use, containing two farmhouses with farm buildings. The area is bounded by residential areas to the east; Green Lane to the north; the East Coast Main Line railway to the west and Topcliffe Road (B1448) to the south, with further arable land beyond. The total site extends to 72.5ha.

3.2 As set out in the Allocations DPD, the individual site components of this scheme are identified as follows:-

TM2A Westbourne Farm

- 3.3 This greenfield site, currently in agricultural use, is located to the south of Green Lane, to the south-west of the Saxty Way and Cocked Hat Park areas, and north of Topcliffe Road (B1448);

TM2B Cocked Hat Farm

- 3.4 This greenfield site, currently in agricultural use, is located to the south of Green Lane and adjoins the East Coast Main Line which forms the western boundary of the site. To the south is arable land running down to Topcliffe Road;

TM2C Neighbourhood Centre

- 3.5 This greenfield site, currently in agricultural use, is located to the south-west of Sowerby and north of Topcliffe Road (B1448);

TM2D East of Topcliffe Road

- 3.6 This greenfield site lies south west of Sowerby, with its western boundary formed by Topcliffe Road (B1448). To the north is the Gravel Hole Lane site and to the south is farm land stretching down to the A168;

TM2E Gravel Hole Lane

- 3.7 This greenfield area is located south west of Sowerby. Its western boundary is formed by Topcliffe Road (B1448); to the north lies Thirsk Secondary School and all-weather pitch; to the south west is the remaining portion of the South West Thirsk Area, East of Topcliffe Road. Part of TM2E is a former gravel working as the name suggests; later the working was tipped and restored to agriculture.

4.0 RELEVANT PLANNING HISTORY

- 4.1 11/01435/FUL - Formation of an improved junction of the A168(T) and B1448 (Pending Decision).

5.0 RELEVANT PLANNING POLICIES

- 5.1 The relevant National, Regional and Local Planning Policies are as follows: -

National – Planning Policy Guidance Notes & Planning Policy Statements

- 5.2 Planning Policy Guidance Notes (PPG), and their replacements Planning Policy Statements (PPS), are prepared by the Government after public consultation to explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system.
- 5.3 They also explain the relationship between planning policies and other policies which have an important bearing on issues of development and land use.
- 5.4 Local authorities must take their contents into account in preparing plans. The guidance may also be relevant to decisions on individual planning applications and appeals. The following PPG's and PPS's are relevant to the determination of this application:-

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS4 - Planning for Sustainable Economic Growth
PPS5 - Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation

PPG13 - Transport
PPG17 - Planning for Open Space, Sport & Recreation
PPS22 - Renewable Energy
PPG24 - Planning & Noise
PPS25 - Development and Flood Risk

Regional – Yorkshire & Humber Plan

- 5.5 The Yorkshire and Humber Plan is the current Regional Spatial Strategy (RSS) for the Yorkshire and Humber Region and was issued in May 2008. The Local Act 2011 includes provision for the abolition of RSS but the Government has not yet made the necessary Order. Consequently, RSS remains part of the development plan.

Local - Hambleton Local Development Framework

- 5.6 In September 2004 the Planning and Compulsory Purchase Act brought in major changes to Development Plan preparation. The old system of Structure Plans, Local Plans and Supplementary Planning Guidance was replaced by the Local Development Framework (LDF).
- 5.7 The Hambleton LDF is made up of the following documents:
- Local Development Scheme (LDS): setting out the overall timetable for the production of the LDF.
 - Statement of Community Involvement (SCI): setting out how the Council will involve the community during the production of the LDF.
 - Sustainability Appraisal (SA): the policies and proposals contained in the LDF must be assessed to make sure they contribute to the aims of Sustainable Development. The SA documents set out the results of these assessments.
 - The Hambleton LDF has a Core Strategy DPD, Development Policies DPD (with Proposals Map) and an Allocations DPD (with Proposals Map), along with several Supplementary Planning Documents.
- 5.8 These DPDs, along with the Yorkshire and Humber Regional Spatial Strategy (RSS), make up what is known as The Development Plan for the Hambleton Area.

Core Strategy – Adopted 3 April 2007

- 5.9 The Core Strategy DPD expresses those parts of the Community Plan which relates to the development and use of land and outlines the Council's strategy for delivering strategic development needs, including housing and employment. The following policies are of particular relevance to the determination of this application:-

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP12 - Priorities for employment development
CP14 - Retail and town centre development
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP21 - Safe response to natural and other forces

Development Policies DPD - Adopted 26 February 2008

- 5.10 The Development Policies DPD sets out detailed policies for controlling development and delivering the vision, objectives and Core Policies of the Core Strategy DPD. Its policies play a key role in determining planning applications, by explaining practical ways of implementing the Core Policies. The following policies are of particular relevance to the determination of this application:-

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP5 - Community facilities
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP11 - Phasing of housing
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP16 - Specific measures to assist the economy and employment
DP18 - Support for small businesses/working from home
DP23 - Major out of town shopping proposals
DP24 - Other retail uses
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP38 - Major outdoor recreation
DP39 - Recreational links
DP43 - Flooding and Floodplains

Allocations DPD – Adopted 21 December 2010

- 5.11 The Allocations DPD sets out sites for development (e.g. housing and employment) and defines Development Limits for the main settlements in the area of Hambleton outside the North York Moors National Park. This plan covers the period up to 2026. The following site allocation is relevant to the determination of this application:-

Policy TM2 – South West Thirsk Area

Supplementary Planning Documents (SPD)

- 5.12 Supplementary Planning Documents (SPDs) are used to provide more detail and information about policies and proposals found in Development Plan Documents (DPDs). Although SPDs are not part of the statutory Development Plan, they do however form part of the Local Development Framework (LDF), and are therefore an important consideration in determining planning applications. The following SPD's relevant to the determination of this application:-

Affordable Housing SPD
Open Space, Sport and Recreation SPD
Sustainable Development SPD

Other Relevant Documents

6.0 CONSULTATIONS

- 6.1 This section of the report contains a summary of those comments received from both statutory and non-statutory consultees. All comments are available to view in full on the Council's website www.hambleton.gov.uk using the public access system.

Sowerby Parish Council – 14.07.2011

- 6.2 Wish to see the application refused.
- 6.3 Concerned about the Transport Assessment. Deem many statements to be flawed and/or mislead.
- 6.4 Insufficient information provided about solutions to the undoubted problems that all the extra traffic will cause in a town which is already struggling with traffic congestion at peak times.
- 6.5 Wish to see a link between the proposed site and the A61 to move some traffic away from the bottleneck which will be Topcliffe Road and the rat run which will be Gravel Hole Lane and Blakey Lane.
- 6.6 Money could be redirected from plans to build a new primary school to help towards a new road. Pleased that an application has been submitted for a four way junction on the A168.
- 6.7 Would like consideration to be given to improvements and extensions to the existing Primary Schools and also to the Secondary School. Wrong to segregate the children on the new development and that the Secondary School could not cope with a large influx of new pupils.
- 6.8 Do not want three storey dwellings on the site. Particularly unhappy about proposals to build them alongside Topcliffe Road.
- 6.9 A table containing the detailed comments of Sowerby Parish Council is appended to this Committee Report.

Thirsk Town Council – 22.05.2011

- 6.10 Wish to see the application refused.
- 6.11 The application quotes the LDF Allocation but the total time to complete this project is said to be up to 2026 – long after the current LDF comes to an end. There are various points in the Environmental Statement (Non Technical Summary) the Town Council wish to highlight:-
- 6.12 8) Community uses are to provided by Hambleton District Council as the land will be gifted to them during the first phase:- as recreational and community use are not a statutory requirement of the District Council it is unlikely that Hambleton District Council will see fit to provide any. What will happen to the land then?
- 6.13 10) Education development comprising a new primary school – but again what

guarantee is there that the NYCC will provide this even if the land is 'gifted' to them – not until phase 2 anyway. There is no mention of secondary education.

- 6.14 Community care – Drs Surgery and Care Home – who will provide this, and in any case not until phase 3 – 2026?
- 6.15 14) Housing – “to satisfy the demands of the local community.” The local community have no need of this housing at present. “Latest information at the time of development will inform the type of tenure in the future” – so will non locals then come flooding in?
- 6.16 42) Do not think anyone would feel that housing development could be a positive improvement on open landscape – except a developer and there is no indication as to how this will be done.
- 6.17 73) Is nonsense. If the development is not there (as at present) there is no problem with pedestrian and cycle routes and it therefore would not need improvement. This cannot be considered a “major positive impact on cycle facilities.”
- 6.18 77) No mention is made of the former refuse tip on Gravel Hole Lane.
- 6.19 105) “Jobs would largely be filled by workers in the local area. The presence of these workers is likely to boost local economy through increased spending” – if they are already in the area they are already spending so no boost.
- 6.20 Traffic – whatever extra roundabouts and junctions are put in every few yards along Topcliffe Road the presence of 3,000 more people living in this part of Hambleton (more than a 50% increase in the population of Sowerby) will inevitably bring traffic hazards, more traffic congestion, parking problems in Thirsk, dangerous roundabouts and parking problems at the supermarkets.

Carlton Miniott Parish Council – 08.12.11

- 6.21 The Parish Council feels that the development is too big and will impact greatly upon Thirsk and the surrounding area. Concerned, in particular, about the effect this will have on Topcliffe Road by extra traffic wishing to gain access to Thirsk and to the railway station. Topcliffe Road is already a busy road, part of which has a 20mph speed limit and it is a matter of concern that the extra traffic will cause severe congestion on Topcliffe Road and at that entrance to Thirsk.
- 6.22 Very concerned about the infrastructure, particularly as it would appear that some of the services are not to be provided within the first phase of the development. It is felt that if there is to be any development at all then the infrastructure must be put in place before any development takes place. Particularly concerned about the impact on the existing sewerage system.
- 6.23 Note that a new primary school is proposed, but not a secondary school and the Parish Council question where the children are to go when they reach secondary school age.

NYCC Highways – 22.11.11

- 6.24 Following a review of the documents submitted in support of the application the Local Highway Authority is now satisfied that matters relating to transport have been satisfactorily addressed. The Local Highway Authority provided the following commentary on the issues addressed:-
- 6.25 The application was supported by a Transport Assessment (TA) prepared by Mouchel; this assessed the impact of the proposals on the key junctions in Sowerby

and Thirsk including the A168 Topcliffe Road junction. The A168, forms part of the Strategic Trunk Road Network which is managed for the secretary of State for Transport by the Highways Agency, other junctions are on the Local Highway Network managed by North Yorkshire County Council as Local Highway Authority (LHA). The TA has been amended during the assessment of the application as a result of the reviewing and checking by HA & the LHA.

- 6.26 The TA assesses assess the impact of the proposed development on the existing highway network by considering the impact of the development on 14 key junctions around the Thirsk/ Sowerby settlement. The junctions, which included junctions on the A168 trunk road, were:-

Primary Site Access / Topcliffe Road
Secondary Site Access / Topcliffe Road
B1448 Topcliffe Road / Gravel Hole Lane
B1448 Topcliffe Road / Sowerby Road
A61 Station Road / B1448 Topcliffe Road / B1448 Westgate roundabout
A61 Station Road / Newsham Road
A61 Market Place / B1448 Kirkgate
A61 Stockton Road / A61 Long Street / Stammergate
A61 Long Street / A170 Sutton Road White Mare roundabout
A168 / A19 / A170 York Road roundabout
A168 southbound off slip to A19
A19 / Blakey Lane
A19 southbound on slip (Blakey Lane) to A168
Merge/Diverge at A168 / Topcliffe Road

- 6.27 The assessments have been undertaken in a base year of 2011 and a design year of 2026 which reflect the phasing of development. Additional analyses in, 2016 and 2021 have also been undertaken. Industry standard software packages have been used in the analyses.

- 6.28 In order to attempt to mitigate the impact of development traffic the TA considered the impact of a new northbound 'slip on' road from the B1448 Topcliffe Road onto the A168 Trunk Road. The TA demonstrated that the likely effect of the new slip road was that the development traffic could be satisfactorily mitigated at 12 of the 14 key junctions. The exceptions to this were the A61 Station Road / B1448 Topcliffe Road / B1448 Westgate roundabout and A61 Market Place / B1448 Kirkgate priority junction. In order to increase capacity at the Kirgate/Market Place junction it is proposed to widen the approach from Kirkgate to provide two dedicated lanes. Similarly at the Station Road/Topcliffe Road/Westgate roundabout carriageway widening is proposed to provide 2 dedicated approach lanes on the Topcliffe Road and Westgate approaches. This mitigation provides an initial solution but the LHA does not consider, however, that traffic can be satisfactorily mitigated at this roundabout junction past 2021 when the final 385 dwellings are to be built.

- 6.29 Consideration has also been given to the key link roads to the site in particular Topcliffe Road and Blakey Lane. On-street parking can cause an issue on Topcliffe Road particularly between Melbourne Place and South Crescent. The Applicant intends to alleviate this situation with some localised carriageway widening. With regard to Blakey Lane however no such improvements are available due to the land constraints and issues surrounding the bridge. As such the LHA considered the increase in traffic which is likely to occur along Blakey Lane as a consequence of the development in the northbound 'slip on' road scenario is unacceptable.

- 6.30 It is the view of the LHA that the measures proposed in the TA are insufficient to fully mitigate the development traffic. It is considered that the addition of a southbound 'slip off' road from the A168 Trunk Road onto the B1448 is also required to provide an 'all movements' grade separated junction (GSJ) at this location. The LHA is aware

that a letter has been submitted by the Applicant to the local Planning Authority stating that he will accept a planning condition requiring the full GSJ to be implemented consequent upon the development. It is recommended that the trigger for the full GSJ being constructed and brought into use is prior to the occupation of the 50th dwelling or 1,500 sqm of Employment Development (whichever is sooner).

- 6.31 The Applicant proposes measures to encourage sustainable modes of transport to and from the development. Dedicated walking and cycling routes are proposed within the site. With regard to public transport the Applicant will provide a financial contribution to support a new bus route into the site together with the appropriate infrastructure. The existing bus stops in the vicinity of the site on Topcliffe Road are also to be upgraded.
- 6.32 In order to provide a safe walking/cycling route to the proposed facilities on the eastern side of Topcliffe Road, including the new school, the Applicant intends to provide both a zebra crossing and a signal controlled 'Toucan' crossing.
- 6.33 A Framework Travel Plan also forms part of the Application which sets out a long term strategy for reducing car journeys. The LHA considers that the Travel Plan shows how the application satisfactorily promotes sustainable transport options for the development.
- 6.34 It is considered that the proposed new access roundabouts will form a gateway to Thirsk and will assist in the reduction of vehicle speeds along this stretch of Topcliffe Road. In addition it is also proposed to extend the existing 30mph speed limit southwards past the site and the existing 20mph zone into Gravel Hole Lane.
- 6.35 The LHA would wish to see the implementation of the Travel Plan, the contribution for the bus service and the costs associated with the amendments to speed limits to be secured through a Section 106 Agreement. Developer funded improvements to the existing highway network will be delivered through Agreements under Section 278 of the Highways Act 1980.
- 6.36 In conclusion, the LHA considers that the traffic associated with the proposed development can be adequately mitigated and that measures are also proposed which will encourage non-car modes of travel and further reduce the impact of the development on the surrounding local highway network. The LHA does not raise objections to the proposed development subject to the satisfactory completion of the proposed Section 106 Agreement. The LHA's formal recommendation listing the recommended conditions to be attached to any permission is attached.

Economic Development Officer – 15.10.10

- 6.37 The Economic Development Officer comments that light industrial units at Thirsk have generally been very popular with start up and growing. The Council's enquiry database shows that there has generally been a healthy demand for units in this area, although the Council has seen enquires drop off in the last 12 months.
- 6.38 Wish to be involved in agreeing the phasing of the employment land to ensure that the market isn't saturated. Would like to see supply and demand for industrial space aligned as closely as possible.
- 6.39 Wish to ensure that the new offer complements the existing provision. The same considerations will need to be made as and when the other phases of employment land are brought on line.

Environmental Health Officer – 22.06.11

1. Noise - Construction

- 6.40 The closest existing noise and vibration sensitive receptors to the site include residential dwellings on Saxty Way and Cocked Hat Park, two dwellings adjacent to Cocked Hat Farm and residential dwellings on Kings Meadows. As the development commences additional properties will be exposed to ongoing construction noise.
- 6.41 The application remains an outline application in the main and therefore there is still not sufficient detailed information to allow noise prediction calculations such as those detailed in BS5228 to be carried out and therefore the actual noise impact is difficult to define. It is recommended that the previously suggested hours of use for construction activities be conditioned as follows:
- Monday to Friday: 0730 to 1800 hours
 - Saturday: 0800 to 1300 hours
 - Sundays and Bank Holidays: No working
- 6.42 The Environmental Statement considers it appropriate that construction noise assessment be considered against the fixed noise limit of 70 dB LAeq,T (façade) applicable to the core working day (BS5228). However, it goes on to say that this limit is likely to be exceeded for short periods of time. It is therefore recommended that a Construction Environmental Management Plan which includes details of best practicable means to minimize noise be submitted in writing to the authority and approved before development commences.
- 6.43 Construction compounds and fixed items of plant such as compressors should be located away from sensitive receptors.

2. Vibration - Construction

- 6.44 The Environmental Statement states that there is the potential for some construction activities to be within 10m of the closest sensitive receptors and that major adverse impact may occur. It is therefore recommended that further more detailed calculations are carried out when specific details of equipment types, techniques and intervening ground conditions are known. It is also recommended that a "Vibration Monitoring Programme" which includes details of best practicable means to minimize vibration is submitted in writing to the authority and approved before development commences.

3. Dust – Construction

- 6.45 It is recommended that a scheme for the control of dust during construction activities be incorporated into the Construction Environmental Management Plan and submitted in writing to the authority and approved before development commences.

1. Industrial development – Operational Phase

- 6.46 Full planning permission is being sought for the industrial development adjacent to Cocked Hat Farm. At present there is no information as to potential tenants or likely operations to quantify potential noise levels or dust/odour issues. The general principle of a landscaped belt and locating general office/commercial uses adjacent to residential uses should act as a buffer between more intensive industrial uses located behind.

- 6.47 Again at this stage there are no details re the type, number or location of fixed mechanical and electrical plant. It is recommended that the previous noise limit suggested where plant shall not exceed 35 dB Lar, Tr be included as a condition to prevent noise creep.
- 6.48 Any processes/plant likely to cause noise, dust or odour nuisance should be required by condition to submit in writing a scheme to minimize such impacts and be approved prior to commencement of the development.

2. Housing – Operational Phase

- 6.49 A PPG24 assessment has been carried out to assess the suitability of the site for housing. Area A2 of the development site falls within NEC C (Noise Equivalent Count) where planning permission is not normally recommended. In this location, daytime levels exceed the 55 dB criterion for outdoor amenity areas by 11 dB. The applicant states that an 11 dB reduction can be achieved by careful layout design e.g. gardens to rear of property, facing away from Topcliffe Road or acoustic garden fences. It is therefore recommended that a scheme is submitted in writing and approved prior to commencement of the development.
- 6.50 To achieve the BS8233 internal noise criterion at locations close to Topcliffe Road well sealed thermal acoustic glazing is required however at location A2 it has been identified that a higher sound reduction index performance is required and therefore more detailed calculations are recommended when the final design scheme is known. Mechanical means of ventilation will also probably be necessary for any sites falling within NEC B or C. It is recommended that a scheme detailing this is required by condition.

3. Traffic growth – Operational Phase

- 6.51 The two existing dwellings to the south of the development and north of Milburn Lane will experience some increase in noise on top of that caused by natural traffic growth. An acoustic barrier or earth mound is recommended to protect these properties. A scheme detailing the acoustic measures should be submitted in writing and approved by the authority.

Senior Scientific Officer – 28.11.11

- 6.52 The WSP response to most of the previous Environmental Health comments is essentially that the application remains an outline application in the main and that there is not sufficient detailed information in many areas to sufficiently assess impact at this stage and agree detailed mitigation measures as planning conditions. The WSP consultation response agrees that in many instances further assessment should be required to be carried out as a planning condition at the detailed design stage and we concur with that view.
- 6.53 With regard to the proposed sports pitches the precise allowable time period for use needs to be agreed. We do not agree that restricting use outside 2300 to 0700 is sufficient to minimise noise impact.
- 6.54 We would recommend that a noise mitigation scheme to reduce recycling noise at source is required by planning condition rather than to rely solely on measures such as double glazing/ventilation at proposed dwellings.

Environment Agency

- 6.55 The Agency has confirmed no objections subject to a condition requiring approval of a scheme to attenuate and manage surface water run-off.

Highways Agency – 18.10.11

- 6.56 The Highways Agency has issued a holding direction (TR110) covering a period of 6 months. Any permission would be dependant upon an agreed Road Safety Audit Stage 1 to full Design Manual Roads & Bridges HD19/03 standards

Police Architectural Liaison Officer 02.05.11 & 14.06.11

- 6.57 The Police Architectural Liaison Officer has made the following recommendations:-
- 6.58 *Recommendation 1* – the applicant should consider reducing rear courtyard parking. Would be unable to issue “Secured By Design” status based on the current layout. However, it would be possible to mitigate against rear courtyard parking by taking the following measures:-
- Request rear garden fencing to 1.2m high with 600mm trellising on top to aid surveillance from active rooms on the ground floor towards the occupant’s vehicle.
 - Add additional garages.
 - Add windows on gable ends to increase surveillance.
 - Ensure that lighting in the rear courtyard was to BS 5489 -1:2003.
- 6.59 *Recommendation 2* - that houses be constructed to obtain Secured By Design certification.
- 6.60 *Recommendation 3* - that cycle routes and mountain bike trails are so designed to eliminate the use of them by moped and motor cycles.
- 6.61 *Recommendation 4* - that lighting to BS5489 -1:2003 be provided to any rear courtyard car parking areas that are left and to footpaths and cycle ways.
- 6.62 *Recommendation 5* - that garages meet the Secured By Design standard.
- 6.63 *Recommendation 6* - that Phase 1 site perimeter has fencing around it of a minimum 1.8m to protect the houses within it, before the next phase begins.
- 6.64 *Recommendation 7* - this project will take many years to complete. Theft from the site during construction will be a problem during those years.
- 6.65 I would recommend that site security during this period be given the priority it deserves to minimise crime.

Ministry of Defence - 26.05.11

- 6.66 The MOD has confirmed no safeguarding objections to the proposal.

Natural England – 16.12.10 & 02.06.11 & 12.09.11

Chapter 6 Ecology - 16.12.10

- 6.67 3. Mitigation – The mitigation measures set out in the ES must be reflected in longer term management proposals for the areas of public open space, if the full benefits for biodiversity are to be retained in the long term. It is unclear how this will be achieved and whether appropriate planning obligations will be used to secure the necessary resources for management activity.
- 6.69 4. Paragraph 128 refers to the preparation of a Landscape Management Plan, but no further detail is given as to when the plan will be produced. Natural England’s view is

that this plan should be approved and in place before any work is started on the site, as the plan will influence the management of the green space/POS in the Phase 1 residential and commercial/industrial areas.

- 6.70 5. Paragraph 131 refers to building in biodiversity features, which Natural England welcome in principle. However no details are given on where these features are to be located throughout the development, and in particular within the Phase 1 development areas. Without this detail Natural England cannot ascertain just how beneficial these features will be, for example will they be concentrated in areas adjacent to existing or proposed green spaces/corridors are spread randomly throughout the development?
- 6.71 6. Paragraph 134 refers to a detailed Wildlife Enhancement Plan, which should help to address issues and provide the detail on matters such as the those covered in point 5, above. Such a plan should be approved and in place, alongside the Landscape Management Plan, before any work starts on site.
- 6.72 7. Natural England could not find reference to the provision of a Construction Environment Management Plan. Natural England's view is that before the start of any development work, a Construction Environmental Management Plan should be submitted to and approved by the Local Planning Authority. This plan should incorporate the mitigation measures referred to in the ES, for example the use of stand-off zones to protect trees and hedges, as well as providing the framework and details to guide the protection of wildlife within the site during construction activities.

Chapter 12 Artificial lighting - 16.12.10

- 6.73 8. Paragraph 58 refers to ecological receptors, and concludes that these can be scoped out of this section of the ES. However, in Natural England's view the lighting assessment needs to take into account the proposed ecological mitigation measures that seek to enhance the site for species such as bats and birds. This could result in increased foraging and nesting/roosting activity. So design of external lighting should consider appropriate mitigation proposals to ensure that the impacts of the lighting on ecological receptors are minimised.

Chapter 13 Socio Economic Impacts - 16.12.10

- 6.74 9. The section on *Agriculture* (p. 19) deals with soils and agricultural land classification. This highlights that the majority of the site is best and most versatile land. Paragraphs 104 to 106 deal with the loss of the land, mitigation and residual impacts. However, it is important that soils from the site are conserved for re-use within the site for the creation of the habitat/POS areas and that a soil management plan is drawn up to show how this will be achieved.
- 6.75 Defra has published Construction Code of Practice for the Sustainable Use of Soils on Construction Sites which is a practical guide to assist anyone involved in the construction industry to protect the soil resources with which they work.
- 6.76 Natural England recommends that this guidance is followed for the use, management and movement of soil on this site together with an agreed Soil Management Plan, to be approved before any development works starts on the site.

Masterplan/green infrastructure/Design and Access Statements - 16.12.10

- 6.77 10. The Masterplans show that there will be a range of open space provided within the development including sports areas, community gardens and public open space (POS), although the area of public open space is not given so it is unclear whether the proposals meet the standards set out in Policy DP37 and the draft Open Space SPD.

- 6.78 11. The Masterplan indicates that there will be a network of multi-use green corridors through the site; the primary purpose of these appears to be for cycling and pedestrian access, which Natural England welcomes in principle.
- 6.79 12. Natural England notes from details in the Design and Access Statements that one of the drivers includes the enhancement of wildlife value within the green space network. However given the scale/size of the corridors it is not clear whether the gains in wildlife value will be achieved as there seems to be some incompatibility between the proposals for the creation of wildlife friendly “meadow” areas, other uses and a maintenance regime that will keep these areas “well groomed”.
- 6.80 13. As presented, with the current proposals, it may be unrealistic to expect these areas to be of significant value for biodiversity and wildlife.
- 6.81 14. The Design and Access Statement for the proposed industrial development says that it aims to create a robust native landscape scheme to the development which contributes to the biodiversity of the local landscape. Natural England would encourage the developers to draw inspiration for their habitat creation schemes from the Local Biodiversity Action Plan for the District.
- 6.82 15. Further clarification is also required to understand how the perimeter hedgerows are to be treated. While the intention is to preserve these features for their wildlife and biodiversity interest, if they incorporated as garden boundary features of individual dwellings then they will have only limited protection, as householders may choose to replace them in the future, with the resultant long term loss to biodiversity on the site.
- 6.83 16. Retention of these existing features is also important in terms of their use by bats and birds for foraging, roosting and nesting. As such they could form part of a green buffer zone around the edge of the site.
- 6.84 17. The western edge of the site, adjoining the railway line, is also a potential wildlife corridor. It would be helpful to have some indication of the types of employment use that is proposed for this area in order to identify at an early stage if these would have any adverse effects on wildlife that uses this area.

Sustainability - 16.12.10

- 6.85 18. Natural England notes that a Renewable Energy Assessment has been undertaken and this ruled out most technologies, apart from solar/PV, as unfeasible on this site. However it is not clear whether passive solar design measures have been considered in terms of siting and layout of the housing units.
- 6.86 19. Natural England would also like to know whether green/brown roof options have been considered for the community and industrial buildings. The use of green/brown roofs could be part a site-wide sustainable drainage system that would also contribute to biodiversity and wildlife enhancement.
- 6.87 Natural England reiterates that the above comments are made in order to provide the applicant the opportunity to clarify various matters arising from the proposals and if necessary provide further information, to help determine the application.

General - 02.06.11

- 6.88 Natural England is pleased to note that a Phase 1 Habitat Survey has now been carried out at an appropriate time of year. Natural England has the following comments to make on the habitat survey report.

Detailed application boundary - 02.06.11

- 6.89 Natural England agrees with the precautionary measures set out in section 5.5.2 with regard to bats and nesting birds for the detailed phase 1 application area and would recommend that these are adhered to. All species of birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended) and are fully protected under Regulation 39(1) of the Conservation of Habitats and Species Regulations 2010.
- 6.90 Natural England welcomes the proposed enhancements for bats including bat boxes in trees and new buildings, a bat-friendly planting scheme, and alteration to lighting as indicated in section 5.5.2. As stated in Natural England's previous response to the outline planning application, we would advise that the location of enhancement measures should be shown on a plan in order to ensure that they will be beneficial for bats.

Outline application boundary - 02.06.11

- 6.91 The report recommends, in section 5.4, a number of surveys for bats (both activity surveys and dusk / dawn surveys of the buildings), breeding birds and wintering birds. These surveys should be carried out and the results submitted to the local authority, as well as any necessary mitigation proposals, before determination of the application. If any of the buildings are found to support a bat roost, it may be necessary to apply for a European protected species licence from Natural England before any works can commence. Natural England supports the recommendation in section 5.4.5 that any mature trees to be felled should be inspected for bat roosts.
- 6.92 Again Natural England welcomes the proposed enhancement measures for bats, and the location of these should be set out at the detailed planning application stage. We agree that trees and hedgerows should be retained wherever possible and we would also wish to see replacement planting, using native species of local provenance, to at least replace any losses.

12.09.11

- 6.93 Natural England supports the recommendations regarding nesting birds in section 5.1.4. We also welcome the proposed mitigation measures in sections 5.1.5 and 5.1.6, in particular the gapping up of hedgerows and creation of areas of long grassland and grassland / scrub mosaic. However, given the number of UK BAP and IUCN red list species which have been found to be present on site, we would advise that the scheme layout should be designed so that as many of the existing hedgerows as possible can be retained, as well as those around the site boundary. We would question the conclusion in the report that there will be no net loss of avian biodiversity, if the majority of the internal hedgerows are to be lost.
- 6.94 In Natural England's previous response of 2 June 2011 they advised that there were still outstanding surveys required for wintering birds as well as breeding birds, and also for bats with regard to the buildings on site. Natural England advises that the results of these surveys, and any necessary mitigation measures, should be submitted to the Council prior to determination of the application.

Yorkshire Wildlife Trust – 25.08.11

- 6.95 The Trust is pleased to see that there is now some baseline information on the importance of the site for breeding birds. The survey shows the presence of a good variety of species including a number which are of conservation concern. Had the survey covered April, May and early June, as is normal with a breeding bird survey, it is very likely that a number of other species would have been shown to be using the

site. The conclusion at 5.1.3 that the site supports a poor assemblage of breeding birds may therefore not be correct. It will be important that an overwintering bird survey is also carried out so that further data for the site is obtained. The Trust would like assurances that an overwintering bird survey will take place.

- 6.96 The Trust supports the suggestions for mitigation put forward in section 5 of the report. However there is a lack of detail as to what amount of land would be required for mitigation. The Trust would also be in favour of retaining more hedgerows within the development site, as well as the hedgerows on the boundary of the area.
- 6.97 The masterplan for the site from May 2011 does not show where wildlife mitigation areas would be accommodated. Unfortunately the fact that the ecological surveys were not done adequately until after plans had been drawn up means that ecological mitigation has not been planned in from the outset. There also does not appear to be a Mitigation/Monitoring plan as suggested in 5.1.6 page 11.
- 6.98 The Trust would still like clearer information as to how the plans will be changed to incorporate the suggestions from the Breeding Bird Survey.
- 6.99 It would also be appropriate for the s106 document to include information on how a habitat creation and management plan will be developed and financed. At present there appears to be no mention within the s106 document of how a biodiversity management plan will be funded to create habitat and manage the site. It is necessary to ensure that mitigation, compensation and enhancement of biodiversity is carried out so that the authority's responsibilities as required in PPS9 are carried out.

Network Rail – 26.10.11

- 6.100 Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.
- 6.101 Given the size and proximity of the residential development site to the station it is considered appropriate that a contribution is sought from the developer towards station facility improvements. For example DDA Access improvements and additional car parking spaces are urgently needed at the station. Network Rail is happy to discuss possible improvements to the station with the council as part of any S.106 package as the application is processed.
- 6.102 Support the creation of pedestrian and cycle routes from Thirsk train station to the new development and would suggest that these routes be ready for use at the time the development is occupied.

Drainage

- 6.103 All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. It is important that there are no increases in flows of drainage water in the direction of the railway cutting nor should there be ponds or other means of water storage situated above the railway cutting which may have the potential to overflow down the cutting face onto the track. Drainage should be away from the railway line. In addition we would expect a condition relating to a detailed drainage survey for the site. This survey and details should be approved by the Local Council in conjunction with Network Rail prior to commencement of work on site.
- 6.104 "the surface drainage system of the development will be monitored for a period of two years from the completion of the development and any unforeseen problems

caused by the increase of surface water into the nearby drainage system/culvert shall be rectified by the applicant to the approval of the LPA “

Fail Safe Use of Crane and Plant

- 6.105 All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a “fail safe” manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

- 6.106 All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary

- 6.107 Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Armco Safety Barriers

- 6.108 An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

- 6.109 Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

- 6.110 Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. “possession” which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Abnormal Loads

- 6.111 From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Engineer to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

- 6.112 Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Noise/Soundproofing

- 6.113 The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

- 6.114 Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.

Lighting

- 6.115 Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

- 6.116 All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

- 6.117 Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.
- 6.118 Network Rail is required to recover all reasonable costs associated with facilitating these works.
- 6.119 It is realised that much of the above does not apply directly to the application given its outline status but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the drainage, boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

NYCC Children & Young People's Service (Education) – 08.11.11

- 6.120 Make no comment with regard to the detailed application for the 108 Phase 1 dwellings or the Phase 1 commercial development.
- 6.121 The proposed location for a primary school, within the development area to the east of Topcliffe Road, is broadly what has been discussed. However NYCC Education expected a location further south, away from the junction of Topcliffe Road and Gravel Hole Lane, as previously identified in the LDF documentation as TM2D.
- 6.122 The proposed location gives rise to an access concern as the nearest connection with the established road network is onto Gravel Hole Lane close to one of the vehicular entrances to Thirsk School and Sixth Form College. This entrance is used by the school bus service and Gravel Hole Lane is already busy with traffic at the beginning and end of the school day. A new primary school would mainly serve the new Sowerby Gateway dwellings but not exclusively. Therefore we can expect the majority of parents and pupils would access by foot but undoubtedly there would be some impact on local traffic.
- 6.123 Recognise there is limited space available on the site to the east of Topcliffe Road in which to accommodate a retail centre, an extra care housing scheme and a primary school.
- 6.124 The Extra Care Team is supportive in principle of the provision of an extra care housing scheme within this Masterplan proposal. This is a subject to funding being achieved to develop the extra care housing scheme.

NYCC Heritage (Archaeology) – 07.01.11

- 6.125 NYCC Heritage advised Hambleton DC on their housing allocation proposals that archaeological evaluation would be required prior to the determination on a planning application.
- 6.126 NYCC Heritage notes that the developer is committed to undertaking the evaluation and their intention to commence the evaluation of Phase 1 shortly.
- 6.127 NYCC Heritage wishes to see all archaeological evaluation undertaken in advance of a planning decision being taken, as per PPS5 Policy HE6. The evaluation results will enable an assessment of the archaeological impact of the development proposals.

An informed and reasonable planning decision can then be taken as to whether the development should be permitted in its present form. If so, this information will assist in identifying options for minimising, avoiding damage to, and/or recording any archaeological remains.

6.128 The aim of requesting additional information and archaeological evaluation at the pre-determination stage is to ensure that the precise impacts of the development upon the archaeological resource have been assessed and to minimise the risk of unnecessary adverse impact upon archaeological remains. There are strong arguments against the granting of permission subject to a condition to secure the implementation of a later programme of archaeological evaluation:

- This is against local and national planning policy
- where evaluation does not take place until after a planning application has been determined, the possibility of archaeological issues being fully taken into account is lost.
- securing archaeological evaluation work through a planning condition could, because the extent and nature of any further mitigation is unknown, incur the developer in unexpected and unquantified archaeological and related costs at the mitigation stage.

6.129 A condition should be used to secure mitigation not to obtain further information required to enable an informed decision as to whether the application should be permitted.

6.130 This approach is consistent with similar large scale proposals across the county.

Yorkshire Forward – 22.10.10

6.131 Yorkshire Forward welcomes the contribution that this development can make to creating new employment opportunities for residents of Hambleton. This proposal will lend support to Yorkshire Forward's Corporate Plan which seeks to develop new industries and jobs across the region

Yorkshire Water – 10.11.10 & 16.06.11

6.132 No objections subject to conditions

6.133 The development of the site should take place with separate systems for foul and surface water drainage.

6.134 Domestic foul water should discharge to the 525mm diameter public foul sewer recorded in Sandholmes Lane (The World's End), at a point approximately 310 metres from the site.

6.135 From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required domestic foul water discharge must not exceed 30 (thirty) litres per second.

6.136 The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site.

6.137 The Flood Risk Assessment (prepared by MMi Civils - Report 3261/FRA1) is satisfactory from Yorkshire Water's viewpoint. The report confirms that foul water

from the site will discharge to a public foul water sewer, via a new pumped outlet (based upon 63 l/s), and surface water to infiltration system via storage.

- 6.138 The submitted drawings show surface water proposed to be drained to infiltration systems via storage. An adjacent site to the North has a separate system of drainage with surface water pumped to public sewer/watercourse (Cod Beck). There is no public sewer capacity for surface water from this site if the water table rises to near ground level and floods low points on the new estate during heavy rainfall.
- 6.139 It is recommended that any drainage proposals incorporating soakaways and/or infiltration systems etc. should be designed based on suitable ground investigations carried out over at least a 12 months period. This is to ensure that the design adequately takes account of any seasonal fluctuations in the ground water table.

Public Representations

- 6.140 This section of the report contains a summary of those comments received from local residents and other members of the general public with an interest in the application. All public representations are available to view in full on the Council's website www.hambleton.gov.uk using the public access system.
- 6.141 The application was advertised within local press, by site notice and directly to the neighbouring residents. A petition carrying 139 signatures, a second petition carrying 133 signatures and 290 individual objections have been received (at the time of writing) which are summarised as follows:-

Principle of Development

- 1) This development has not arisen from a property developer application but from the council's own planning department. Where is the mandate from the rate payers or the electorate? What is the motive for the council to make things so easy for the developers?
- 2) Originally within the LDF for the Thirsk Area the Station Road site (South of Station Road – opposite the racecourse) was the preferred option. The Cocked Hat Farm site was the non-preferred option. Because of the number of objections received these options were reversed. It is unfortunate that nobody would normally consider the need to object to a non-preferred selection but due to a lack of consultation it was not pointed out to the residents of Sowerby that agreements to the site being non-preferred.
- 3) Surely, all the concerns that made Cocked Hat Park a non-preferred site originally are still relevant today and what has happened is you have chosen our village as an easy, but wholly unsuitable compromise – hardly strategic, long term planning by Hambleton Council's management team.
- 4) A whole array of new thinking on welfare, education, housing, planning, the economy etc is awaited from the Coalition Government as are more details on the "Big Society". Shouldn't we therefore wait to see what is produced and needed before putting in train a scheme which will change Sowerby and ultimately Thirsk forever?
- 5) The requirement to develop on this scale was a Labour Government imposed plan. The new Coalition Government has rescinded the 'Regional Spatial Strategy' which required Hambleton District Council to build some 5,000 new homes, and the relevant Minister has announced it is a matter for local decision. Now that they have the opportunity to do so, it would seem eminently sensible for Council Members to revisit the issue.
- 6) The last 15 years has brought sensible extension and infill to the village. The next 15

years should be planned in similar fashion.

- 7) Expansion and housing are needed in the Thirsk area but it should be in a nurtured, sympathetic and controlled way taking into account the integration of so many people living in one place.
- 8) The area does not require this size of the development and would lead to the possibility of unoccupied houses both on the new development and the area in general. Properties remain empty on new developments at Thirsk racecourse and Norby.
- 9) Why does one village out of 130 plus in the District have to bear the brunt of nearly two thirds of the housing allocation?
- 10) Any green field residential development should only commence once all brownfield, infill and sites already allocated have been built out and occupied.
- 11) The development is far too large for a village like Sowerby.
- 12) The proposal would permanently change the community of Sowerby destroying the village atmosphere.
- 13) A much smaller development would be more in keeping with the existing village.
- 14) It offers nothing to the existing population and benefits no one but the developers, builders and land owners.
- 15) The development is so huge that it may as well be called Sowerby New Town.
- 16) To destroy this landscape in favour of this development would be an abomination.
- 17) There is plenty of land in Thirsk which already has planning approval and which must be developed before any new projects.
- 18) There seems to be many smaller brown site opportunities in and around Thirsk that could deliver the required housing without significantly impacting the character and potentially even improving the look of the town
- 19) This development will create a separate community.
- 20) Given that the local economy is heavily influenced by the activities at Dishforth Airfield and Allenbrooke barracks it seems highly likely that there will be a reduction in demand for housing locally and may well be ex-military housing coming on the market.
- 21) The original reason that the Council did not consider the Sowerby Gateway development in the first instance as a preferred option still holds true i.e. that it was considered to be too remote i.e. on the edge of the existing Sowerby boundary.
- 22) A housing scheme of this size will impact of the deliverability of other housing schemes elsewhere in the district by taking up all available demand for the duration of this permission, if granted, thereby reducing choice of housing location for residents.
- 23) What steps is the Council going to take to avoid the developer encouraging inward migration from neighbouring districts whose councils have decided to restrict the planning allocation for new houses in their area following the demise of the Regional Spatial Strategy?

- 24) In granting planning permission for this large number in one application the Council is losing its ability to control not just the number but also the future location of housing development in the district.
- 25) The proposal is a new village in its own right and therefore could be transported to anywhere in the District and be totally sustainable. To be visionary this is what HDC should do.
- 26) The whole development is described as "Somewhere to live, work, play and enjoy for years to come". So what we have in essence is a very North American concept of a self contained dormitory town that is going to be tacked on to Thirsk and Sowerby
- 27) Approval of this outline application to such a large area will give developers 15 to 20 years free reign to develop this site in a piecemeal fashion without having to give due regard to the prevailing conditions and wishes of the community at the time.
- 28) The application should not be determined until the outcome of the Blackpool (Hinds) Appeal Court case has been heard. This case relates to the Government's clear intention to abolish the RSS. Hinds' High Court challenge to a consent for a similarly large scale mixed development on the outskirts of Blackpool was dismissed by a judge in March this year, but recently she has been granted permission to take her case to a full hearing before three of the country's most senior judges at London's Civil Appeal Court. Her barrister, John Hunter, said the case raised issues of "general public importance" relating to the circumstances in which the Government's avowed intention to abolish regional strategies can be taken into account when considering current planning applications. This case is clearly a material consideration and as such this significant application, which has major implications for Thirsk, should not be determined until the outcome of this Appeal Court decision is known. Failure to do so may leave HDC vulnerable to a judicial review of the decision at a later date.

Design & Density

- 29) The first 108 houses fronting Topcliffe Road are said to be designed to create an impression of elegance, spaciousness and privacy with "defensive features" and boundary greenery. This is not borne out when one looks at the plan in more detail. In reality this first stage is a facade - in the later stages, the character of the housing becomes denser as houses are packed into limited space.
- 30) The aesthetics of the buildings suggested (eg: hotel/ commercial units etc) would completely detract from the area.
- 31) Will distort the shape of Thirsk and Sowerby as well as change in the shape of a market town which has responded to the demand for housing via 'infilling' and use of 'brown field' sites which has largely improved the appearance of the town.
- 32) The scale of proposed development has more in common with an urban extension such as Ingleby Barwick adjacent Stockton-on-Tees.
- 33) The first phase development off Topcliffe Road seems to stick out like a sore thumb and assuming this becomes the only phase to be built out during the plan period it will look very odd indeed. Far better to concentrate initial development within the fields off Gravel Hole Lane which would then fit in better within the built up area.
- 34) The site is very open and prominent in the landscape and the development as suggested will have a major impact on the visual amenity of the area. The land at Station Road is less open and will have less of a visual impact on landscape character, as it will be seen in the context of other adjacent development.

- 35) It is not considered that landscaping will contribute significantly in lessening the impact of this major development on such an open landscape.
- 36) A major concern to householders who have enjoyed views from their houses is the close proximity of the new housing. A revision to the masterplan could overcome this problem in a big way by providing large buffer areas between the existing and new housing.
- 37) One way of doing this would be to build the primary school to the rear of Cocked Hat Park so that the playing fields back on to the southern end of the Green Lane. This would provide the existing residents who are going to be immediately affected by the development with a more acceptable aspect and ensure they were not significantly overlooked. It would also mean the school is located closer to the main body of its catchment area housing, would mean most children would walk to school as the internal estate roads are designed to offer safe pathways and prevent quick vehicle transits
- 38) On the principle that the developer has shown the primary school to the east of Topcliffe Road this means that land is capable of development. I therefore suggest this is used for multiple occupation blocks and the care home facilities where there is less likelihood for children to be located. The location of the old gravel pits present less easily developable land which should be developed for sports purposes as planned. This then also provides an open and significant buffer area for the residents of Kings Meadow.
- 39) There is no mention of eco-friendly houses.

Highway Considerations

- 40) The current highway network is inadequate to accommodate all the extra domestic and commercial traffic that will be generated.
- 41) Thirsk and Sowerby can't cope with the current traffic levels. There is no way that the present road system would be able to cope with the increased traffic another 925 houses would produce.
- 42) The section between the B448 (Topcliffe Road) and the Limes/Memorial Park known also as Blue Row can only be considered as a single carriageway for most of the working day, and severely restricted during the rest of the day. This is due to the parking regime brought in by HDC. This often causes traffic build up tailing back to the Westgate/Topcliffe Road/Station Road roundabout. This also causes delays with impatient drivers not allowing right of way to traffic coming from Front Street.
- 43) Front Street to Blakey Close/The Pines entrance is restricted to 2 car widths by a high wall to the right and houses to the left, it would be possible to widen the roadway to the left in front by 3-4 feet. The section from the Blakey Close entrance to Blakey Bridge is less than 2 car widths (impossible for 2 cars to pass each other). This section has been reduced since the building of the Pines by at least 18 inches so could be improved by moving the kerb back. There is a wider area just before the bridge where cars can pass each other, however if impatient drivers crossing the bridge are stupid traffic chaos ensues. Beyond the bridge the road is just wide enough for 2 cars with caution up to the underpass of the A168.
- 44) There are a couple of problems, some farmers trailers are slightly wider than a car but not too wide to negotiate the bridge the other being drivers of large commercial vehicles coming from York road past Auction Mart who cannot read the warnings. This problem with large vehicles does not seem to be as much a problem coming from Front Street even although there is not as much in the way of warning signs.

- 45) There has been an increase in car parking along the land and in some cases bad parking with cars parked on both side requiring vehicles to dog leg slowly to pass. This carriageway is only 2 cars width in the afternoon at school leaving time the road from the Topcliffe Road end and the entrance to Kings Meadows is restricted to a single carriageway because of parked cars. Then with cars pulling out to leave, buses arriving, buses leaving and more cars arriving often chaos ensues with complete lockdown, sometimes with up to 20 minutes block.
- 46) Putting a school on Gravel Hole Lane opposite the entrance of Thirsk High School would bring utter chaos there and on Topcliffe Road, even to Green Lane East and Croft Heads Road.
- 47) Apart from the traffic flow calculations based on assumptions, there seem to be some major omissions regarding the Mouchel drawing 760455/FIG4A – Traffic Distribution. This drawing mainly concerns traffic flow from the site entrance from the housing.
- 48) This identifies the site entrance as a single point nominally two thirds of the way to the West, South East along the B1448 from the Gravel Hole Lane junction towards Milburn lane.
- 49) This does not conform to the Planning Application which has 3 entrances to the site two south of Gravel Hole Lane and a 4-way roundabout just north of Milburn Lane – this totally negates any traffic flow calculations to and from the development.
- 50) Route 1 (23.4%) identifies traffic from York, the A19, along Blakey Lane across Front Street the Gravel Hole Lane with a left turn along the B1448 to the development. The assumption is the reverse but where Blakey Lane meets the A19 it is necessary for vehicles to turn left, go up to the roundabout, go completely round and then carry on down the A19. This increases traffic flow around the roundabout which only occurs in Southbound journeys.
- 51) Route 2 (6.1%) traffic to/from Northallerton is shown as directed through the centre of Thirsk which is not the most ideal route, but alternative could end crossing Blakey Bridge which could be worse.
- 52) Route 3 (0.7%) this is not valid comment as there would not be this amount of traffic from the site just into Carlton Miniott but possibly to the A1 or Ripon. However, once the site is more developed there would be more travel to work at the industrial areas off Station Road. Of course there would be traffic to Tesco and Lidl which is not quite Carlton Miniott.
- 53) Route 4 (38.3% or 39.3%) Harrogate, Knaresborough and Wetherby yes but Darlington no way.
- 54) Route 5 (24.0%) not ideal to be directed through Thirsk town centre as this traffic would be better continuing along the A19 and the A168 to reach the site via the new 4 way interchange trumpet onto the B1448.
- 55) Route 6 (6.5%) not marked but is on the low side not withstanding no account of forward flows when the site is more fully developed.
- 56) Route 7 (1.0%) another no brainer to separately identify from other flows as per Route 4, unless of course this the discrepancy identified above.
- 57) The above route information requires investigation if the development needs this to justify proceeding with the application.
- 58) There is no traffic calculation for the delivery and collection vehicles to the industrial/commercial units. This will involve the employees travelling to and from the

site which will not necessarily be local to the site. In addition the commercial traffic will depend on the type of business operating on the site but could be substantial.

- 59) Traffic to the community area is not specifically identified in the overall traffic studies in the HDC documents LCD 161/LCD 162/LCD 163/LCD and LCD204.
- 60) There are 450+ parking spaces on drawing 2251/08-06B as part of the outline part of the planning application this would seem to attract considerable traffic. None of this traffic is identified in any of the hypothetical flows. This traffic would be at different times to the peak morning and evening travel to work and would also differ seasonally.
- 61) LCD161 (there is an LCD161A but is a duplicate). This is an addendum response to NYCC Highways queries. The highway authority would prefer the 4 trumpet junction of the B1338 and A168 (1b) as this would be “a key element of this development”. The response that “daily traffic flows to the community use land” seems to ignore the provision of 450+ parking places on community land.
- 62) These comments seem to support that the A168 junction and the 4 way roundabout on the B1448 should be in place before construction starts.

LCD162:-

Bullet point 1 – no 4 way A168/B1488 = increase in Blakey Lane traffic

Bullet point 2 – 4 way A168/B1488 North bound traffic would reduce Blakey Lane traffic

Bullet point 3 – South bound A168/B1448 forecasts lesser benefit – this ignores construction traffic to/from site

Bullet point 4 – signs and traffic calming are unlikely to make any difference to existing Topcliffe Road situation.

Bullet point 5 – rubbish – just bias against the Station Road site.

- 63) LCD163 – Figure 2 and comment 1.4.3 assumes the improvement to the A168 junction i.e. full way junction. The zoning areas discussed in this paragraph indicates zones which are not discussed in this paragraph indicates zones which are not discussed in any other document.
- 64) Figure 4 seems to identify some rather stupid journeys, whichever point one starts from is also the finishing point. This definitely increases carbon footprints as well as traffic congestion.
- 65) LCD204 - There are comments regarding Blakey Lane that offer some concern:-
 - 3.3.4. “Restriction of Blakey Lane” has no detail as to how or what
 - 3.3.8. “alterations to Blakey Lane” what alterations
 - 3.4.2. “Blakey Lane restricted” what restrictions
 - 3.4.5. “restriction of Blakey Lane” again no details
 - 3.5.1. “with the restriction on Blakey Lane”
 - 4.1.4. “restricting Blakey Lane to local traffic only” i.e. closure
 - 4.2.3. “modelled closure of Blakey Lane” totally unacceptable
- 66) This model assumes the completion of the A168 junction.
- 67) All of these studies/surveys etc are very incomplete in detail and include some disturbing ideas that have not been brought to the Sowerby Residents attention.
- 68) Topcliffe Road needs cycle ways on both sides of the road as there are no alternative locations. Once this is in place Topcliffe Road will be no wider than Station Road and HDC gave this as the reason why that should not be developed further.
- 69) There are parked cars/residents parking along much of Topcliffe Road. At school

times, ie 8:30 to 9:00 AM and from 3:00 to 4:00 PM there is increased traffic from parked cars/school traffic. Gravel Hole Lane and Blakey Lane have become a 'rat run' for traffic wishing to bypass Thirsk Market Place. Additional housing at Sowerby Gateway would exacerbate this.

- 70) I note that the planning application indicates preferred routes for commercial traffic into the scheme as coming from A168 and not through the town centre or over Blakey Bridge. How is this to be policed and is this proposal only feasible once the full interchange is implemented? So as to avoid years of lorry traffic going through Thirsk in the interim I believe the four slip roads A168 interchange should be completed at the beginning of the scheme.
- 71) Any traffic wishing to use the northbound A168/A19 would have to travel either through the centre of Thirsk or along Gravel Hole Lane through Sowerby village and then across on to Blakey Lane and over the small pack horse bridge. Either route would be unsuitable as Topcliffe Road gets congested at the best of times and the roads leading to Blakey Bridge are narrow with areas of no pedestrian footpath. There is a substantial increase in risk to pedestrians if traffic were to be increased on the later route.
- 72) The junction to the A168 must be created immediately and must allow access and exit for both north and south bound traffic otherwise Topcliffe Road, Gravel Hole Lane and Front Street will become dangerous roads and Blakey Lane will inevitably be regularly closed for bridge reconstruction as more lorries try to avoid driving to Topcliffe and back.
- 73) I note that there could be a clause for the developer to change existing junction B1448 / A168 to a four way junction. What considerations have been made for the increase in vehicles that will use Blakey Lane as a short cut to the A19?
- 74) Cycle lanes and yellow lines just would not work and new residents are not going to use the new A168 (red herring) junction to go into Thirsk
- 75) Topcliffe Road should be upgraded with the features on the full development with pavements both sides.
- 76) In effect drivers will choose to travel by the Crown and Anchor crossroad into Blakey Lane where increased damage to the ancient bridge will inevitably occur.
- 77) This proposal cannot work without the necessary road improvements being completed first in order to relieve the already heavily congested Topcliffe Road.
- 78) The new population would add to the traffic associated with Tesco and Lidl.
- 79) There will be more secondary age students on the busy Topcliffe Road site twice a day in term-time.
- 80) The other end of Topcliffe Road is a conservation area! So really you need to route the traffic from Thirsk to the new development by means other than Topcliffe Road.
- 81) Question the reliability of the data produced by Mouchel.
- 82) The emergency services use Topcliffe Road regularly to gain access to all routes to the South. How will such access be maintained during construction and once this "new town" is completed?
- 83) The highway layout and access is unsatisfactory.

- 84) Appropriate provision has not been made for pedestrian, cyclist and public transport facilities.
- 85) To ensure best and safest use of any new recreation area off Gravel Hole Lane, a footbridge should be built so as to connect it to the school campus akin to the footbridge connecting the two sites at the Allertonshire School, Northallerton.
- 86) The very necessary improvements and changes to the road infrastructure will entitle owner occupiers to submit claims for compensation under Part 1 of the Land Compensation Act 1973. Topcliffe Road, Cocked Hat Park, Saxty Way, Gravel Hole Lane and estates off it could be affected. The Authorities will need to seek adequate indemnities as from experience such claims and professional costs could run into millions of pounds if proven.
- 87) There is no guarantee when the additional access to A168 will be completed, if at all.
- 88) Para 2.4.1 of the Transport Assessment states 'the B1448 Topcliffe Road links eastwards via Gravel Hole Lane to the A19 dual carriageway.....' This is an outrageous misrepresentation of the actual infrastructure position. The link eastwards via Gravel Hole Lane is actually down Blakey Lane and over Blakey bridge, which is clearly not an appropriate link to the A19. Also the A19 south is not a dual carriageway as implied by the statement. It also describes the link to the A1 via the A61, which is a route with a single lane traffic controlled river crossing (Swale bridge) - hardly suitable for significant traffic flows. In general the section on the existing highway network is written in such a way to make the transport links seem attractive when in actual fact making those links involves convergence on the town centre or other inappropriate routes.
- 89) The Transport Assessment states 'it is not necessary to travel through Thirsk town centre' to access these routes', whilst factually correct (as it excludes the A61 from the list), cleverly and in my view with a deliberate aim of misleading the reader, fails to fully disclose the inappropriateness of the alternate routes. Also to suggest Thirsk Rail station is in easy walking distance of the development is farcical. This travel plan also indicates that 190 residential properties will be created in phase 1, which is at odds with the 108 on the planning application.
- 90) Topcliffe Road is narrow and traffic drives very close (within a few centimetres) along a considerable stretch of the east side pavement at the north end of the road. When the pavements are crowded with school children I have witnessed a number of 'close calls' where children have been bumped into the roadway by other children because of the narrowness of the pavement.
- 91) A link road should be made between the development and Station Road to relieve some of the traffic pressures alongside the schools.
- 92) The Transport Assessment contains an unrealistic focus on walking and cycling as modes of transport.
- 93) Topcliffe Road is already busy and given that there are two schools (three with the primary school on Green Lane) directly onto the road at dropping off and picking up times the road is severely congested. During holiday times, race nights and when there are accidents/problems on the adjacent major road networks Topcliffe Road can be grid locked. Add to this an additional 2000 cars with associated journeys 2 or 4 times a day and the situation will be unacceptable. This will seriously detract from the residential amenities of those living on Topcliffe Road but will also present a potentially dangerous situation in terms of pedestrian safety.
- 94) Why are the traffic surveys only done on a Friday? What about doing it on Market Day? It is so difficult to find parking space on a Saturday.

- 95) According to the Travel Plan 16.5% of visitors to the hotel will walk or cycle. This is a ridiculous figure! We are not in Holland. Apparently no more than 80% of people using the hotel will be driving.
- 96) The Travel Plan states “The targets for Sowerby Gateway will be based on reducing the number of single occupancy car journeys to and from the site and increasing the number of people that travel via public transport and other more sustainable methods.” This is just not realistic. People will not be able to carry shopping home, particularly not during the winter.

Comments made in relation to application ref: 11/01435/FUL for the formation of an improved junction of the A168(T) and B1448

- 97) The acceleration and deceleration on both sides of the A168(T) are far shorter than usual on a 70 mph highway and far shorter than the existing lanes.
- 98) Radius of curvature of entry to and exits from the A168(T) is so tight that this would further exacerbate the danger caused by the short acceleration and deceleration lanes.
- 99) The T junction on the B1448 carrying traffic to and from the A168(T) will cause accidents when traffic turns right to go back on the south bound A168(T).
- 100) Likewise the T junction from the B1448 to the Hagg House Farm site carries some considerable traffic because of the 5 homes recently built.
- 101) Points 3 and 4 will create traffic queues possibly backing back to the south bound A168 (T).
- 102) It seems odd that the existing gradual curve of the B1448 onto the A168(T) has been reduced to such a sharp turn and short deceleration lane.
- 103) There would seem to be parallels to the initial T junction joining the north bound access from Easingwold to the A19 north of the town where there were deaths due to its design and subsequent change to a roundabout.
- 104) It would seem appropriate for there to be a junction with a roundabout (or roundabouts) here – similar to that from south of Boroughbridge across the A1M or the similar junction coming off the A168(T) to go to Dishforth.
- 105) All in all this appears to be a cheap option to put off the detractors of ‘Sowerby Gateway’.

Car Parking

- 106) Will have a detrimental impact on car parking in Thirsk.
- 107) There is a lack of parking in Thirsk which means that people will go elsewhere to shop.
- 108) Should massively reduce the provision of parking for new residents in order to promote more sustainable forms of transport. With fewer parking spaces, there would be more green space to enjoy.

Affordable Homes

- 109) There is a need for affordable housing for local people but not imports from Teesside.

- 110) There are not 360 people in and around Thirsk requiring affordable homes; therefore these homes will be built for people from outside the locality. The development will become a mini Middlesbrough.
- 111) Social housing is important, but why not build to order?
- 112) Do Broadacres still have the funds? If they do, plenty of good low cost housing is currently available on the open market in every part of Thirsk and Sowerby. Those houses are in established communities and close to services, it would help vendors sell and move on, kick start the local economy and it would achieve the presumed aim of having a mixed community and cater immediately for any current demand in the sector.
- 113) Is the Broadacres proposal the best deal for the taxpayer and has it been market tested? They are not the only RSL operating in Hambleton.
- 114) Broadacres have stated that they will only be letting their share to people with relationship connections to the area, people employed in the area and people having historic connections with the area. As Broadacres only have basic control over the affordable housing there is no control of the potential tenants that will occupy any buy to let dwellings. This could result in tenants being brought in from outside the area that have possibly been bad tenants who then become a financial drain on the Council's funds.
- 115) Affordable housing should be built in villages where demand is high.
- 116) There are already surplus military houses boarded up and becoming derelict in other parts of the country. It would seem that the efforts of the developer and council staff would be better spent in close liaison with MOD with a view to conversion of a proportion of its housing stock to affordable housing, as opposed to the considerable effort and cost of forcing this 'white elephant' through.

Protecting Amenity

- 117) From a humanitarian point of view the site is a disaster, low flying aircraft, constant train activity and a very discernable drone from the existing Thirsk bye pass.
- 118) We are not convinced that the proposals by the developer for screening between the first phase of the development and the houses on the boundary of Cocked Hat Park are sufficient for purpose.
- 119) Some of the development will overlook/ back on to the boundary of my property, therefore I will suffer from a loss of privacy and enjoyment of my property.
- 120) I would like assurances that planning permission will not be granted to any commercial operation with late night activity.

Ecology

- 121) The proposed development will ruin a beautiful landscape teeming with wildlife
- 122) The survey by Whitcher Wildlife Ltd leaves some gaps in the expected flora and fauna.
- 123) There is no specific mention of injurious weeds, notably Ragwort which is very prevalent in the surrounding area. Whilst ragwort is mainly a danger to grazing animals it can be toxic to humans.
- 124) Bats are observed continuously during their non-hibernation period coming from the

ash tree (T8 on the map supplied with their survey report). It is obvious that the bats forage the proposed site area.

- 125) This is no mention of barn owls which are regularly observed in the gardens of Cocked Hat Park and again it is likely that they and other species of owl use this area to forage.
- 126) There are small group of deer (probably fallow) within the site area that are regularly seen from the Cocked Hat Park estate.
- 127) What will happen to the deer and bird nesting in existing hedgerows?
- 128) How can 2,600 metres of hedgerows be removed? The Bird Breeding Survey states that these are viable breeding habitats. I am very concerned about the provision for the 8 breeds of bird listed on the IUCN red list. These are birds of considerable concern and to know that they have been seen in the area of the development must surely be of concern to the Council. Will 90 nest boxes really be put up? Who will look after these boxes?

Archaeology

- 129) The Ordnance Survey map of 1912 indicates the supposed Roman road runs North West from the junction of Back Lane and Gravel Hole Lane a point close to Station Road which seems to be at slight odds with the report.
- 130) What about the Saxon sword found in the Cod Beck and now in York Museum?
- 131) Evidence of ridge and furrow can be observed in the field to the East of Front Street opposite to Back Lane also in the field on the Flatts between the Cod Beck and Front Street.

Security

- 132) Unoccupied residential and industrial premises can act as a magnet to criminal activity
- 133) In Thirsk town there is enough trouble with young lads. I don't want them up near my house.

Public Open Space, Sport and Recreation

- 134) I note from the application drawings some land earmarked for leisure development is listed as 'gifted to HDC'. It is a matter of fact that HDC is currently trying to reduce its budget. Why would HDC choose to take on more areas which will require financial resources? HDC should look to improve existing facilities.
- 135) There are no changing facilities for the proposed sports pitches.
- 136) Who will be providing the necessary security and maintenance of the playing areas?
- 137) Nowhere within the planning application and outline application are identified any areas for allotments. There are 32 large areas on the drawing s2251/08-06B to the east and between the large amount of car parking that are unidentified.

Schools

- 138) There is nothing to solve future capacity problems to be faced by Thirsk Secondary School.
- 139) The government has recently abandoned its "money for schools" programme I would

have severe doubts that the money would be available to improve the secondary schools in the area.

- 140) The strains on Thirsk School, from a potential increase in students would be too great. The school for this age group is already in dire need of a total refurbishment for which there is apparently no funds available as it is.
- 141) Increased contributions from the developer should also be required for provision of extra secondary school places.
- 142) The proposal to build a new primary school on the south side of Topcliffe Road raises concerns with regard to children accessing the school from the new houses on the north side of the road. We understand it is proposed to put a zebra crossing across the road but surely from a safety point of view it would be better to construct either a subway or a footbridge.
- 143) It would be better to extend the existing school.

Drainage

- 144) Concerned about the pressure on the Victorian sewage system that the development will tap into down Topcliffe Road & the affect it will have on those older streets further down Topcliffe Road - South Crescent, South Terrace, Mowbray Place, Belgrave Terrace, Melbourne Place, Victoria Avenue, Railway Terrace, Sowerby Terrace, which are still on combined sewage & storm water. This needs upgrading, meaning more disruption or a new route found.
- 145) It should be a constraint of the planning permission that the infrastructure - road alteration & upgrade drains/sewage system off the site be put in place before any building of houses take place.
- 146) The existing sewerage system is not adequate. This is the same system that has absorbed all developments in at least the last 10 years without modification or expansion.

Employment Use

- 147) Question whether the additional light industrial units are really needed, judging by the existing vacant units that have been on the market for a considerable length of time.
- 148) Should be built on current industrial sites i.e. York Road, Station Road or even Dalton Industrial Estate.
- 149) The commercial development proposed is excessive and contrary to the retained evidence base for RSS.
- 150) No adequate alternative evidence has been supplied by the Council or the applicant.
- 151) Any extra employment within the area is a positive thing but I doubt over the next few years at least the industrial units would be occupied.
- 152) Due to the open and prominent nature of the land and the need for B1, B2 and B8 buildings to be designed appropriately for their intended uses it is likely that the development of large sheds on this site will be necessary. As a major approach road in to Thirsk it is considered that this will be visually obtrusive in this open landscape and will do little to enhance the tourism in Thirsk currently being promoted. In addition there is also concern at the appropriateness of developing industrial land adjacent to residential properties. With the uses being proposed there will inevitably be conflicts in terms of noise, smells and early deliveries of large vehicles, especially

with B8 uses. Once allowed, even with appropriate conditions relating to hours of operation, the enforceability of such conditions can be difficult to resolve.

Infrastructure & Services

- 153) Do we have more allocated Police?
- 154) Rubbish collection - are their provisions for increased rubbish collection?
- 155) Postal delivery - are their provisions for increased postal staff?
- 156) Health - are we to have additional general practitioners?
- 157) Dental - are we going to have more dental practices?
- 158) Sewage - is the sewage plant increasing to allow for additional loading?
- 159) Mains water - is the water pressure going to reduce given the additional demand?
- 160) The proposed retail units will serve only to keep any new residents away from the existing town centre and draw existing users.
- 161) The newly created population would vastly overstretch services such as Doctors Surgeries, Schools, Post Office, Car Parking etc.
- 162) Regarding the neighbourhood centre, which includes scope for shops, bank and building society offices, pub, café and restaurant, hot food take-away, hotel, nursing home, health care facilities, community facilities and meeting places, presumably existing providers of these services in Thirsk and Sowerby have been consulted? If not the Authorities are putting in jeopardy the livelihoods of a lot of people by duplicating what already exists.
- 163) Two small convenience shops and a post office in the village have closed due to lack of business. What will be different with the proposed developments?
- 164) Though a school and GP surgery is included, who will have to fund these in reality - the Education authority and the local NHS trust - not the developers, so will they ever materialise? Equally provision of retail units and capability for banks, takeaways etc does not mean those businesses will choose to use them, particularly as there would be no 'through trade' and it is likely than trade Mon-Fri daytime would be very low, even with commercial facilities.
- 165) No consideration has been given to the improving rail services should Sowerby Gateway be implemented.
- 166) Any new retail units will be in direct competition to our local traders.
- 167) Now that the trauma unit is no longer at the Friarage in Northallerton, but at James Cook (no public transport available to get there), the Friarage and the Lambert in Thirsk (for recuperation) could become overloaded. James Cook will be handling a large number of Libyan and British war casualties, so they may become overloaded.
- 168) At what stage of the development will the actual work of building and recruiting staff for the proposed primary school and medical centre start? We seek an assurance that if the planned development goes ahead these facilities will be in place before they are required.

Consultation

- 169) Wholly inadequate opportunities for public consultation on the 'Sowerby Gateway' site have been given and the level of publicity to this significant proposal minimal.
- 170) Every villager should have been written to directly.
- 171) No statutory notices are displayed anywhere in the applications site's vicinity.
- 172) Only people living directly adjacent to the site have been informed by Hambleton DC of the application for outline planning permission.
- 173) On a development of this size and the considerable impact it will have on all our lives and future generations it not much to expect that Hambleton District Council should advertise and consult widely with the whole village and give everyone the opportunity to comment.
- 174) I feel that the planning department has not shown due care to the community in this matter and that our views, either way, have not been heard.
- 175) Only the residents overlooking the site had been sent a letter, whilst those living only a road width away have not received any information.
- 176) I have had more opportunity to object to a neighbour's application to build a conservatory than I have to a development of 900 houses and factory buildings which will affect the whole town for years to come.
- 177) There are no statutory notices on Gravel Hole Lane or Topcliffe Road. This must contravene Planning procedures and therefore invalidates the planning process.
- 178) We feel we were misled at the meeting in 2007 when the various proposals we saw were displayed in the town hall. We were led to believe that what was to happen was small pockets of in-fill building around Thirsk. We were not given the impression by the councillors present then that the Sowerby Gateway Scheme would be seriously considered.
- 179) We are left wondering how things have changed so vastly without our being aware of it. We do not live in the parish of Sowerby but clearly will be very affected by the scheme and yet no effort has been made to keep us up to date with the LDF change of plan.
- 180) I suspect that there may be many more objections from Cocked hat Park residents were they to know about this application. I have been fortunate enough to have been told by a neighbour, who happened to notice the application notice on Topcliffe road. Why are they not on Cocked Hat Park, whose residents are going to be so clearly impacted?
- 181) Neither the council nor the developer have taken any account whatsoever of local residents.
- 182) The Council view appears to be that people who do not involve themselves in the strategic planning process have lost any right to influence the detailed proposals.

Procedural Matters

- 183) There are too many common interests within the Council for it to be able to make this decision. Councillors of Hambleton District Council (HDC) are also members of the Board of Broadacres who are the joint developer of Phase 1. This raises concerns on the probity of the decision making process. While interests may be declared these Councillors will have been lobbying this development behind closed doors.

- 184) Your website says it is an Outline application yet last week it confirmed it is also a detailed application for Phase 1. This is underhand and is an example of HDC's lack of openness and transparency and a clear display of arrogance towards its residents.
- 185) The title of the application is incorrect and has therefore been incorrectly validated by Development Control. The development on Gravel Hole Lane is minimal; the reference to Sowerby Gateway refers to what the development will be not where it is located; there is no mention of Topcliffe Road which is totally misleading.
- 186) Sowerby is a village in its own right. It is not Thirsk (with Sowerby) as HDC has chosen to represent it.

Other Considerations

- 187) The developer, Castlevale, claims that it will generate an abundance of economic and social benefits for the town but fail to explain what these benefits are.
- 188) Noise pollution, which is linked to both traffic and the building work itself
- 189) Will reduce existing house prices.
- 190) In the present economic climate who is going to buy all these houses? Unfinished developments will not help the community but make it an eye sore.
- 191) The planned amenities would also have a detrimental effect on established businesses in Thirsk.
- 192) I do not want to look out of my windows to see other people house's blocking my view of the country.
- 193) Think of the increased carbon emissions as well as the other waste a development of this size would generate
- 194) This development application is not based on facts but on suppositions and guess work about the future.
- 195) This development is not in the best interests of the people of Thirsk and Sowerby.
- 196) The land earmarked for the development is prime agricultural land and should not be taken out of production.
- 197) Where are the businesses to support 900 households?
- 198) Development scaled over 20 plus years would be intolerably intrusive.
- 199) Developer contributions shouldn't just be for social housing, road infrastructure and play area. What about the emergency services?
- 200) If we are not more careful, we will eventually become a country unable to be self-sufficient, as there will be very little good agricultural land left.
- 201) Continued construction noise and movement of vehicles with building materials will cause great inconvenience and disturbance to the surrounding area.

Supporting comments

- 202) 3 letters of support have been received and has been summarised as follows:-
- 203) A large development of this type would attract bigger traders to Thirsk and improve

the quality of shopping there. A grand opportunity exists to create a link road across to the A61, which could improve the whole traffic access to Sowerby. The lack of such a link was clearly demonstrated the other day when the road outside Tesco was closed. I therefore support the development with this addition.

- 204) I believe the development will bring new job opportunities to the area and improved shopping in the town as a result.
- 205) The road link shown is somewhat limited, a new link across to Carlton Miniott would be a valuable feature and bring a much needed link into Thirsk from a different direction. I note the final roundabout on the scheme indicates the point from which a road would run
- 206) The proposals are in line with Hambleton District Council's LDF proposals and the need to ensure the continued development of areas such as this.
- 207) The proposals can be delivered within reasonable timescales and to meet sustainable objectives.

7.0 OBSERVATIONS

- 7.1 As detailed within Section 2 of this report, this is a hybrid planning application covering three distinct elements of the overall delivery of Allocation TM2, namely: Outline Proposal (for the whole site) – Masterplan; Phase 1 - Residential and Phase 1 – Commercial. The material planning considerations of each element are considered in turn below:-

OUTLINE PROPOSAL - MASTERPLAN

Planning Policy - Background

- 7.2 PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraph 2 indicates that:-
- 7.3 “Good Planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development and use of land.”
- 7.4 Paragraph 3 continues the advice by stating:-
- “Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.”
- 7.5 Paragraph 5 expands upon this statement by advising:-
- “Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:-
- Making suitable land available for development in line with economic, social and environmental objectives to improved people's quality of life;
 - Contributing to sustainable economic development;
 - Protecting and enhancing the natural and historic environment, the quality and character of the countryside and existing communities;
 - Ensuring high quality development through good and inclusive design and the efficient use of resources; and
 - Ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.”

- 7.6 PPS1 further emphasises in paragraph 27 the general approach to the delivery of sustainable development which encourages Local Planning Authorities:-

“To promote urban and rural regeneration to improve the wellbeing of communities, improve facilities, promote high quality and safe development and create new opportunities for people living in those communities. Policies should promote mixed use developments for locations that allow the creation of linkages between different uses and can thereby create more vibrant places.”

“Provide improved access for all to jobs, health education, shops, leisure and community facilities, open spaces, sport and recreation by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport, rather than having to rely on access by car, whilst recognising that this may be more difficult in rural areas.”

- 7.7 The Core Strategy presents the overall spatial strategy for development in Hambleton to 2021, setting out how development is to be distributed appropriately during that time. Five sub areas were identified in the Core Strategy as well as a settlement hierarchy which would accommodate the identified level of development.
- 7.8 The Core Strategy was submitted to the Government for Examination on 17 February 2006 and the Examination Hearings were held over 7 days between 10–20 October 2006. The Inspector’s Report was received on 19 February 2007 and the Council adopted the Core Strategy on 3 April 2007. The Core Strategy outlines spatial principles, including an area of opportunity, areas of restraint and a sustainable hierarchy of settlements. Spatial Principle 1 locates Thirsk (& Sowerby) within an *area of opportunity*, reflecting the scope for development in this area, in particular based on its accessibility, scale of existing facilities and relative lack of development constraints. The area of opportunity is where most housing and employment related development will take place.
- 7.9 Core Policy 6 (CP6) states that at least 51% of overall housing development will occur in the Principal Service Centres of Northallerton and Thirsk, and in each Sub-Area at least two-thirds of new housing development will be concentrated in the Service Centre.
- 7.10 The Allocations DPD is concerned with the allocation of specific areas of land, to meet the development requirements of Hambleton for the plan period until 2021 (or longer, to 2026, in the case of housing). The main uses are for housing, uses that generate employment and community and other uses (which include town centre uses and recreation). A number of allocations are also made for mixed uses, incorporating more than one of these main categories.
- 7.11 A call for potential sites for allocation was undertaken in 2004 and in excess of 800 sites were received. Sites were then categorised in terms of suitability by applying the spatial strategy set out in the Core Strategy – particularly Policy CP4, the sustainable settlement hierarchy. Assessments of sites were undertaken and, in line with CP4, sites located in Principal Service Centres, Service Centres and Service Villages were then taken forward and considered at the Issues and Options consultation stage in November 2005.
- 7.12 Following the results and responses of this consultation, an overall approach to spatial options was explored for each of the five Service Centres in Hambleton (inc. the Principal Centres of Northallerton and Thirsk). As a result of this further work, the preferred options (and rejected ones) for each settlement were set out at the Preferred Options consultation stage in October 2007. TM2 was taken forward as the main allocation for the Thirsk Sub Area.

- 7.13 Responses to this consultation were considered and explored further with service providers and other stakeholders leading up to the publication of the Proposed Submission Allocations document in January 2009. Representations were received on this and as a result of particular representations in relation to the Thirsk Sub Area, a re-run of the Proposed Submission period for representations was undertaken and took place in October 2009.
- 7.14 The Submission Allocations document was submitted to Government on 18 December 2009 for Examination. Hearings took place over 8 days between 12–27 May 2010. The Inspector’s Report was published on 1 September 2010 and the Council adopted the Allocations document on 21 December 2010.

Planning Policy - Market Housing

- 7.15 PPS3 sets out the key government objectives in relation to housing and advises in paragraph 9: -

“The Government’s key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford in a community where they want to live. To achieve this, the Government is seeking:

- To achieve a wide choice of quality homes, both affordable and market housing, to address the requirements of the community.
- To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.
- To improve affordability across the housing market, including by increasing the supply housing.
- To create sustainable, inclusive, mixed communities in all areas, both urban and rural.”

- 7.16 Paragraph 53 of PPS3 states that at a local level, LPA’s should set out in their LDD’s their policies and strategies for delivering the level of housing provision that will enable continuous delivery of housing for at least 15 years from the date of adoption, taking account of the level of housing provision set out in the relevant RSS.

- 7.17 Paragraph 55 also refers to the need for LPA’s to identify a further supply of developable sites for 6-10 years and where possible 11-15 years. Furthermore, paragraph 59 also states that housing from windfall sites should not be included in the first 10 years of land supply unless LPA’s can provide robust evidence of genuine local circumstances that prevent specific sites being identified.

- 7.18 Policies CP5 and CP5a of the Core Strategy DPD identify the scale of new housing, for the period 2004 to 2011, 80 dwellings (25% of 320) per annum are required for the Thirsk sub area, 82 dwellings (28% of 290) for the period 2011 to 2016 and 73 dwellings (28% of 260) per annum for the period 2016-2021. At least 51% of the overall housing development will occur within the Principal Service Centres of Northallerton and Thirsk in accordance with policy CP6 of the Hambleton LDF Core Strategy.

- 7.19 Taking into account both the context provided by the RSS and the Core Strategy phasing, the approach taken within the Allocations DPD is to re-define three phases for housing land release, as follows:

Phase 1: 2004 - 2016

- 7.20 Taking account of the passage of time since the base date and the subsequent adoption of the Core Strategy, this Allocations DPD merges the first two phases identified in the Core Strategy (ie. 2004 – 2011 and 2011 – 2016) to create a new

first phase. This ensured that following adoption of the Allocations DPD in December 2010 that about 6 years remained in the first phase;

Phase 2: 2016 - 2021

- 7.21 The time period covered by the second phase is the same as the third phase identified in the adopted Core Strategy;

Phase 3: 2021 - 2026

- 7.22 This new third phase covers the additional period now included by the RSS (May 2008), ie. up to 2026.

Planning Policy - Affordable Housing

- 7.23 Policy CP9 stipulates that housing development of 15 dwellings or more within Thirsk should make provision for 40% affordable housing which is accessible to those unable to compete on the local housing market.
- 7.24 Policy DP13 of the Development Policies DPD indicates that the type and tenure of affordable housing should be based upon the most up to date information on housing need. The soon to be adopted Sub-Regional Housing Market Assessment 2011 is expected to show a split 70/30 between rent and intermediate tenures. The type and tenure of affordable housing will be agreed as each reserved matters application comes forward.
- 7.25 The applicant has agreed to provide 40% affordable housing throughout the whole of the development and this will be delivered consistently at a rate of 40% at each phase of the development.
- 7.26 The proposal makes reference to the provision of Extra-Care housing as failing within Use Class C2. Dependant upon the design of the building and care package, there may be a requirement to contribute towards the provision affordable housing. Where the proposal is shown to fall within Use Class C3 affordable housing should be required in accordance with the comments above. There is no requirement set out in the s.106 agreement to compel the developer to provide the Extra-Care accommodation at any particular phase or date.

Planning Policy – Employment Development

- 7.27 PPS4 sets out Government guidance on sustainable economic development. Paragraph 10 states:-

“To help achieve sustainable economic growth, the government’s objectives for planning are to:

- Build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural.
- Reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation.
- Deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change.
- Promote the vitality and viability of town and other centres as important places for communities.”

- 7.28 To this end, Policy CP10 of the Core Strategy DPD requires the Council, its partners and service providers to ensure that 75 hectares of land for employment development is brought forward in the period 2005-2021. Policy CP10A identifies that in the Thirsk area, 18 hectares of employment land is provided. As this

application follows the parameters of the strategic allocation TM2, 13 hectares of employment land is identified to meet the strategic requirements of the Core Strategy.

- 7.29 Policy CP11 of the Core Strategy DPD encourages most employment development to locate in Thirsk service centre with Policy CP12 advises the Council will support developing and sustaining the economy of Hambleton to, inter alia, provide conditions and support for small and medium sized enterprises to become established and grow. Policy CP13 maintains support for development and the provision of services which leads to the regeneration, maintenance and enhancement of the service centre functions of, inter alia, Thirsk.
- 7.30 The explanatory text to Policy TM2 of the Allocations DPD states that: *“Employment related development (13 hectares in total) will be developed on Site TM2B. The employment development is anticipated to be split between 8 hectares of industrial and storage/distribution uses (B2 and B8), and 5 hectares offices and commercial uses (B1). This split reflects the conclusions of the Economic Development Study which seeks to diversify the District’s economic base and provide a variety of employment opportunities for its residents. Should there be no need for B2 or B8, other suitable employment uses (excluding town centre uses) may be acceptable. The close juxtaposition of employment (Site TM2B) and residential development (Site TM2A) is most sustainable, helping to cut down on car journeys to work. The emphasis will be on providing high quality jobs to meet the priorities of Development Policy DP16 for higher skilled and growth sector jobs. The B2/B8 uses will be located alongside the heavily planted edge of the East Coast Main Line and separated from the housing areas by high quality landscaping and B1 office/ commercial development.”*
- 7.31 The overall objectives of the Hambleton Local Development Framework have been strengthened by the Ministerial Statement on Planning for Growth issued on 23 March 2011 which requires the planning system to contribute positively and swiftly towards sustainable economic development. The proposed development will undoubtedly help towards promoting economic development in this respect.

Planning Policy - Conclusions

- 7.32 The application site is allocated within the adopted LDF Allocations Development Plan Document as Policy TM2 as a means of contributing towards the delivery of the strategic objectives of the Local Development Framework. This site is identified as a strategic mixed use development comprising: housing, employment, a neighbourhood centre, retail, food establishments, social and health facilities; a new primary school and other local amenities including a community park and allotments.
- 7.33 Local residents have raised objections to the merits of the site allocation and argue that alternative sites should have been allocated within Thirsk and Sowerby. These arguments were considered in full at the Examination in Public into the Allocations DPD in May 2010. The Inspectors found the Allocations DPD to be sound and it was subsequently adopted by the Council in December 2010. It is therefore not appropriate to revisit the principle of the site allocation via the planning application process.
- 7.34 The submitted application is considered to substantially accord with Policy TM2 and no other material considerations would lead to a different conclusion. In light of the above planning policy background, the principle of the proposed development is considered to be acceptable.

Landscape & Visual Impact

- 7.35 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and it assesses the likely visual impact of the proposed development during both the construction and on completion. A desk based review was followed by a series of site visits between September 2009 and April 2010. These determined the key viewpoints, confirmation of landscape character and topography and the exact nature of landscape features.
- 7.36 The LVIA describes the application site as a flat, large scale, open and exposed arable landscape divided by well maintained hedges with occasional hedgerow trees. This landscape continues in terms of both topographical relief and its constituent landscape elements to the west, north and south with the exception of a small area of remnant field pattern south east of the site and abutting the A168.
- 7.37 The Woolerton Truscott Landscape Character Assessment designated the landscape type as 5c:-
- Intensively farmed lowland, predominately arable crops, together with areas of permanent pasture divided by mainly well maintained hedgerows.
 - Large/vast scale/open and exposed landscape.
 - Woodlands, shelterbelts, isolated trees are present but inconspicuous.
 - Farm buildings and other built elements are present and prominent.
- 7.38 The site also lies within Character 24 – Vale of Mowbray – of the Countryside Commission’s Countryside Character Volume 3. The key characteristics of which, as they apply to the site, are:-
- Fertile agricultural land used for arable crops and permanent grassland
Fields of medium scale enclosed by low hedgerows with scattered, small areas of woodland and some parkland
- 7.39 The landscape is very simple and uniform, and importantly, lacking in topographical relief. Therefore, views from the key viewpoints are very similar. The key characteristic is that all the viewpoints are at ground level. The implications of this is that only the edge of any development within a landscape of this type will be discernible as the development edge itself will tend to screen that which is behind it relative to the viewpoint. It also means that any existing landscape need be of no great depth to achieve a visual screening effect.
- 7.40 The LVIA shows the Receptor Sensitivity to the effects of construction activity is high and the magnitude of change prior to mitigation is also high. There will be major direct temporary negative impact on those viewpoints in close proximity to the site, notably viewpoints 3, 4, 5, 6 and 9. The impact will be less on viewpoints further away from the site. As such there will be a moderate direct temporary negative impact on viewpoints 1, 2, 7 and 8.
- 7.41 Mitigation of these potential impacts will be achieved by good site management and organisation. The mitigation measures will include the following and be implemented where practical:-
- Retention of any existing screening landscape features
 - Pre-development landscaping to boundary areas
 - Effective site hoarding system
 - Phased planting – close to existing residential areas first.
- 7.42 The residual effects on visual receptors, should therefore, be moderate negative during construction if the mitigation measures suggested are fully and consistently implemented.

- 7.43 The LVIA shows the visual impact of the development to be generally negligible during the operational phase of the development. There are no sensitive landscape receptors within the site. It is also a landscape which is visually impacted by existing developments of a similar nature to those of the proposed development, that is, residential dwellings on the western edge of Sowerby and commercial scale buildings at Cocked Hat Farm. Therefore, the impact on the landscape will be limited.
- 7.44 However, it is undeniable that the magnitude of change to users of Topcliffe Road is high. Where presently, arable fields line both sides of the road, housing, retail, office, a hotel and public house are proposed. Consequently, it should be the aim of the proposed development to create a positive effect on road users and local residents. Urban design, architectural design and the quality of the hard and soft landscape should be very high in order to create a real focus and character to people's experience of this gateway into Thirsk.
- 7.45 The visual impact prior to any mitigation will vary from major negative to moderate positive depending on the exact viewpoint, the type of development being viewed and a person's own perception.
- 7.46 Suggested mitigation relates to the architectural detailing of the proposed industrial units and a planted strip adjacent to Milburn Lane to replicate characteristic planting along linear features such as the rail corridor and trunk road. This would take the form of a belt of planting comprising native species with a minimum width of 5m. This planting could be continued as a buffer between the proposed development and Cocked Hat Farm.
- 7.47 Viewpoint 5 assesses the visual impact of the proposed development from the south west edge of Cocked Hat Park and Saxty Way. The access track to Westbourne Farm from Topcliffe Road forms the boundary between the existing Cocked Hat Park and Saxty Way residential areas and the Proposed Development. The track is approximately 10m – 12m wide with a 2m high well trimmed hedgerow with occasional trees on the western side boundary of the track and field extending to the northern extent of Cocked Hat Park. Existing garden planting includes small trees, large shrubs and lengths of 2m high hedgerow.
- 7.48 The entire view from these viewpoints will be completely changed from the present arable agricultural land use to housing. As such, the magnitude of change is high. Some 32 properties lying on the western edge of Cocked Hat Park and Saxty Way directly overlook the site, or do so from their upper windows.
- 7.49 It will be important to ensure that robust and effective landscape mitigation be undertaken along the eastern boundary of the proposed residential areas. This should be in addition to the retention of the existing hedgerows on the west side of the farm track and to the property boundaries.
- 7.50 All other viewpoints are shown to have a minor negative to negligible impact at the most.
- 7.51 The LVIA concludes that providing that all the mitigation proposals are effectively implemented and managed and that the design of all the built form meets the highest standards of design and spatial planning, particularly of the neighbourhood centre, then the overall visual impact on the settlement, landscape character and receptors at the operational phase will be minor positive. Following detailed consideration of the LVIA by both Officers and external consultees, the conclusions of the LVIA are considered to be robust and the mitigation techniques are considered to be fit for purpose. Consequently, no objections to the development are raised on the grounds of landscape or visual impact.

Masterplan – Design Principles

7.52 Paragraph 12 of PPS3 sets out that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. Paragraph 13 goes on to advise:-

“Reflecting policy PPS1, good design should contribute positively to making places better for people. Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”

7.53 In terms of considering design, paragraph 16 sets out the process to consider when assessing design quality of a development, these being:-

- It is easily accessible and well connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user friendly.
Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
- It is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
- Facilitates the efficient use of resources during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.
- Takes a design led approach to the provision of car parking space that is well integrated with high quality public realm and streets that are pedestrian, cycle and vehicle friendly.
- Creates, or enhances a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.
- Provides for the retention or re-establishment of the biodiversity within residential environments.”

7.54 Policy DP32 of the adopted Development Policies DPD requires the design of all developments to be of the highest quality. Attention to the design quality of all development is essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness, and reflect the following principles (amongst others):

- Promote a density and mix of uses which creates vitality and interest;
- Create connected layouts that promote public transport;
- Make provision for walking and cycling;
- Establish a framework of connected spaces;
- Be sensitive in terms of scale, volume and massing;
- Safeguard key views, roofscapes, landmarks and focal points;
- Pay due regard to traditional design and forms of construction, and avoid the use of inappropriate details;
- Incorporate high quality building design and detailing;
- Be safe and secure;
- Promote sustainable construction and minimise energy use;
- Create people-friendly places;
- Incorporate well designed private and semi-private open space;
- Support a varied network of attractive, usable and safe publicly accessible spaces;
- Parking provision is discreet but safe locations;
- Retain existing habitats and maximise habitat creation.

- 7.55 The overall masterplan demonstrates how the LDF Allocation can be delivered and provides a framework for the Phase 1 residential development, and initial commercial developments.
- 7.56 The masterplan proposes predominately two-storey with some two-and-a-half storey buildings at key locations. The overall development proposes a maximum height of 10.5m for two-storey dwellings, 12m for two-and-a-half story dwellings and 25m for commercial development.
- 7.57 The materials suggested will ensure that the masterplan provides a consistency and is responsive to the surrounding environment. Materials will be a blended mix of self-coloured traditional ones, such as brickwork, slate, tile and wood, and of factory finished glazing and cladding systems. A homogenous appearance across the site will be achieved by designing two families of materials within one pattern of geometry, scale and proportion.
- 7.58 Artwork plays a key role in the masterplan and will be fully integrated into all phases of development. The proposals for artwork will complement the detailed design at a later stage and augment the benchmark set for high quality design.
- 7.59 Amended artist impressions showing the likely scale and design of the neighbourhood centre have been submitted. The intention is to create a “Village Centre” that functions as a focus for the whole development. These are local facilities meant for the convenience of local residents, existing and new. They are not intended to compete with Thirsk Town Centre. This element of the application is still in outline form and the detailed design will be dealt with at reserved matters state.
- 7.60 The overall vision for the employment area is to provide a high quality location for business. Each unit will be designed and delivered to a high standard. The Council will seek to secure appropriate uses that will complement other users. The area of land along the principle service road will be reserved for B1 uses, preferably offices to create a suitable high quality active frontage to the road. The ribbon of land to the north of the spine road that backs onto the residential area will be earmarked for “Pavillion” style offices, it is particularly important that this zone is well designed and the uses appropriate not only due to the prominence of the site and its frontage to the road but also due to its potential impact on the residential to the rear.
- 7.61 In light of the above considerations, the proposed masterplan is considered to be of good design in accordance with the principles of PPS1 and DP32. Further consideration of the design of Phase 1 – Residential and Phase 1 – Employment elements of the application are considered later in this report.

Public Open Space, Sport and Recreation

- 7.62 PPG17 acknowledges in paragraph 1 that open space, sport and recreation all underpin people’s quality of life. PPG17 recognises that well designed planning policies for open space, sport and recreation are fundamental to delivering the Government’s wider objectives of sustainable development, health and well-being, urban renaissance and social and community cohesion.
- 7.63 Where planning permission is granted for new developments, local authorities should ensure adequate provision is made for open space, sports and recreational facilities. In assessing where to locate new areas considerations should be given to accessibility, avoiding harm to residential amenity, avoiding loss of biodiversity, improving the quality of the public realm and enhancing the range and quality of existing facilities.

- 7.64 Policy DP37 of the Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 7.65 The landscape design strategy ensures the provisions for public open space are fully integrated into the masterplan and clearly phased to also ensure the provision grow alongside the phased development.
- 7.66 The green space and amenity areas are indicated on the revised masterplan and on the residential phase one detailed layout. Each residential “zone” will have recreation areas provided within it for younger children. Equally the proposed footpath and cycle network provide opportunity for less formal recreational zones along their length.
- 7.67 Sports pitches are also required and the area allocated is approximately 2.34ha. The locations are highlighted on the Co-ordinated Masterplan which also illustrates the disbursement of play areas and concentration of the sports pitches. A parcel of land for the provision of allotments is also shown on the masterplan.
- 7.68 A network of ‘green links’ is intended, which is independent of, but is interlaced with both the main and residential road network. These ‘green links’ will enable people to navigate through the area on foot or by bike almost completely separate from roads. These routes will be landscaped using a mix of native woodland copse, hedgerows and species rich grassland. The green links from a network around the development enabling wildlife movement around the area and thus maximises biodiversity potential. More formal and ornamental landscape planting will be found within the residential areas themselves.
- 7.69 The applicant’s “Public Art Strategy” indicates significant possibilities for the inclusion of artwork throughout green spaces, including: route markers, differing surface treatment, small scale bunding or tree trunk seating etc. These routes/route markers will also provide the opportunity for local schools or art groups to provide interesting and safe routes through the development taking people from where they live or work via the most direct route to where they want to be, without the need for car usage, and in the meantime provide the opportunity for exercise.
- 7.70 Further details of how the public open space, sport and recreation facilities will be managed and financed are contained with the “S.106 Heads of Terms” section of this Committee Report.

Education

- 7.71 Policy DP2 of the Development Policies DPD requires contributions from developers for *inter alia* additional children’s services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children (criterion v).
- 7.72 The proposed development will increase demand for education provision in the area, as a result of the increase in the school-age population of the area. The masterplan shows a new seven classroom primary school adjacent to the new neighbourhood centre and the existing secondary school. This location would allow pupils and parents of both schools to enjoy common facilities and encourage linked trips to other planned facilities and amenities. The new primary school would be provided by the developer.

- 7.73 The Local Education Authority would prefer a location further to the south, away from the junction of Topcliffe Road and Gravel Hole Lane, as previously identified in the Preferred Options Allocations DPD. However, it is important to note that the masterplan is purely indicative at this stage. Therefore, it is not essential at this stage to agree the location of the school and discussions amongst the relevant parties can continue in advance of a later reserved matters application.
- 7.74 The Local Education Authority has confirmed that no financial contribution towards secondary school provision is currently required. This position will be kept under review should either the planning application or the agreement of the Section 106 be delayed.

Sustainable Construction

- 7.75 PPS22 states that developments should provide at least 10% of their energy via renewable sources with a target of 20% by 2020. The document lists these sources and provides guidance as to how the 10% contribution can be met.
- 7.76 Policy DP34 of the Development Policies DPD requires all developments of 1,000 sqm in size or 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 7.77 In response to the requirements of DP34 and the Sustainable Development SPD, the applicants have submitted an Energy Statement. In summary, the applicant has proposed energy efficiency improvements to the build design and a mix of solar PV and solar thermal panels to meet the 10% requirement. All other technologies have been dismissed.
- 7.78 Photovoltaics in isolation have the potential to meet the renewable energy target across the site. However, in practice, there may be a space issue regarding installation of the required amount of solar PV i.e. that there will be insufficient roof space with the correct solar orientation. Consequently, the applicant proposes a mixture of solar PV and solar thermal panels to meet the required 10% on site renewable energy target. Combined Heat & Power systems (CHP) have the potential to be installed on some of the non residential buildings, the design of which needs to be considered further to be fully defined.
- 7.79 For some phases PV in isolation may be suitable (as is the case on Phase 1) but others may require a mix. A detailed energy strategy is recommended to be undertaken at each phase of the project, when the layout and exact uses are known to ensure compliance with the relevant targets is continuously met. This approach would be secured via planning condition.
- 7.80 The application includes a commitment to meet Code Level 4 as a baseline for all the residential homes. This is 44% above the current building regulation requirements.

PPS4 Sequential Test – Hotel & Public House

- 7.81 PPS4 sets out national planning policies for economic development. This document states that the Government's overarching objective is to create sustainable economic growth. PPS4 includes a number of 'development management policies' providing specific guidance on the determination of planning applications for economic development. Policy EC10 relates to determining planning application for economic development and states:-

- 7.82 “Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”
- 7.83 Policy EC14 of PPS4 relates to the supporting evidence required for planning applications for main town centre uses. As public houses and hotels are identified to be a main town centre use, Policy EC14.3 relating to sequential assessments is relevant and states:-
- 7.84 “A sequential assessment (under EC15) is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan.”
- 7.85 PPS4 sets out the sequential approach to establish the preferred location for main town centre uses. Adopting a sequential approach means that first preference should be for town centre sites, followed by edge of centre sites, and only then out of centre sites that are accessible by a choice of means of transport.
- 7.86 Each of the following sites have been assessed and discounted for the following reasons:-
- Cherry Garth Care Home – allocated for residential care home, therefore no available.
 - Depots, Station Road – allocated for residential, poor access, commercial use not compatible with surrounding residential areas.
 - Thircon, York Road – hotel/pub not compatible with surrounding heavy industrial uses, shared access with heavy industry, not currently available for development.
 - Vale Garage, Long Street – lies within Flood Zone 2, too small to accommodate both the pub and hotel.
 - Newsham Road/Station Road – complications with land assembly due to different owners, costly and time consuming process.
- 7.87 There are no other known sites that are available closer to Thirsk Town Centre that could accommodate the proposed hotel and public house. Therefore, in light of the above considerations, there are no sequentially preferable sites and the sequential test is considered to be satisfied.
- 7.88 The proposed development does not include retail and leisure development of 2,500 sqm (gross) and therefore a formal impact assessment is not required.

Infrastructure and Services

- 7.89 Policy DP5 of the Development Policies DPD on community facilities advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services
- 7.90 The submitted masterplan makes provision for a range of services including a primary school, public open space, sport and recreation facilities (including allotments and playing pitches), an extra care facility and a medical centre in addition to a pub, hotel and local shops.
- 7.91 Many local residents have raised concerns about the impact on existing and planned services, including: post, rubbish collection, dental care, hospitals, policing etc.

Consultation was undertaken with a broad range of service providers during the Allocations process and no in principle objections were received from service providers.

- 7.92 Whilst the concerns of local residents are acknowledged, service providers tend to adopt a reactionary to service delivery rather than a pro-active response and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community.
- 7.93 Network Rail has requested a commuted sum towards improvements at the railway station. Policy TC2 of the Allocations DPD deals specifically with the creation of a transport interchange at Thirsk Railway Station. However, this policy does not require contributions from new development within the Thirsk Sub Area. Consequently, it would be unreasonable to require a contribution in relation to this application. Furthermore, it would not be appropriate to prioritise a financial contribution towards railway facilities in favour of essential infrastructure required in connection with TM2.

Protecting Amenity

- 7.94 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 7.95 *Residential Development* - The Council applies indicative separation distance of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used to assess the impact of any future reserved matters applications. All reserved matters applications will be required to comply with these separations distances. The detailed assessment in relation to the Phase 1 – Residential is included later in this report.
- 7.96 *Sport & Recreation Facilities* - Existing residential properties located within Kings Meadows and School Garth will be most affected by increased activity on land allocated for sport and recreation within the masterplan. Likely impacts arising from noise, disturbance and artificial lighting are examined separately within this report.
- 7.97 *Vibration* - The Environmental Statement states that there is the potential for some construction activities to be within 10m of the closest sensitive receptors and that major adverse impact may occur. It is therefore recommended that further more detailed calculations are carried out when specific details of equipment types, techniques and intervening ground conditions are known. It is also recommended that a Vibration Monitoring Programme which includes details of best practicable means to minimize vibration is submitted in writing to the authority and approved before development commences.
- 7.98 *Dust* - It is recommended that a scheme for the control of dust during construction activities be incorporated into the Construction Environmental Management Plan and submitted in writing to the authority and approved before development commences.

Noise

- 7.99 PPG24 gives advice on minimising the harmful impacts of noise. The Guidance describes how the planning system has the task of guiding development to the most appropriate locations and introduces the concept of 'Noise Exposure Categories' (NECs) where residential development would be introduced to an area with an existing noise source. NE Category 'A' represents the circumstances in which noise is unlikely to be a factor in the determination of a planning application, while 'Category D' relates to the situation in which development should normally be refused. Categories 'B' and 'C' address those situations where noise mitigation measures may make development acceptable.
- 7.100 PPG24 advises that where sites are subject to noise of an industrial nature, an assessment in accordance with BS4142 should be performed to identify the likelihood of complaints and that additional guidance can be found in BS8233.
- 7.101 Policy DP44 states that *'Noise sensitive development will not be permitted in areas where potential for harmful noise is known to exist.'*
- 7.102 Chapter 8 of the Environmental Statement assesses the potential effects of the Proposed Development on the local noise and vibration sensitive environment and assesses the suitability of the existing noise environment present within the site for the proposed scheme. In particular, it considers the potential effects of the site preparation, earthworks and construction and operational phases of the development where appropriate, mitigation measures are proposed.
- 7.103 The closest existing noise sensitive receptors to the site include residential dwellings on Saxty Way and Cocked Hat Park, two dwellings adjacent to Cocked Hat Farm and residential dwellings on Kings Meadows. As the development commences additional properties will be exposed to ongoing construction noise.
- 7.104 The Council's Environmental Health Officer has appraised the Environmental Statement and advises as follows: -
- 7.105 Given that the application is in outline form, it is difficult to define the actual noise impact during construction. Restricted hours of working and the submission of a Construction Environmental Management Plan which includes details of best practicable means to minimize noise be submitted before development commences. This can be secured via condition.
- 7.106 Construction compounds and fixed items such as compressors should be located away from sensitive receptors. Again, this can be secured via condition.
- 7.107 A PPG24 assessment has been carried out to assess the suitability of the site for housing. Area A2 of the development site falls within NEC C (Noise Equivalent Count) where planning permission is not normally recommended. In this location, daytime levels exceed the 55 dB criterion for outdoor amenity areas by 11 dB. The applicant states that an 11 dB reduction can be achieved by careful layout design e.g. gardens to rear of property, facing away from Topcliffe Road or acoustic garden fences. It is therefore recommended that a scheme is submitted in writing and approved prior to commencement of the development.
- 7.108 To achieve the BS8233 internal noise criterion at locations close to Topcliffe Road well sealed thermal acoustic glazing is required however at location A2 it has been identified that a higher sound reduction index performance is required and therefore more detailed calculations are recommended when the final design scheme is known. Mechanical means of ventilation will also probably be necessary for any sites falling within NEC B or C. It is recommended that a scheme detailing this is required by condition.

7.109 The two existing dwellings to the south of the development and north of Milburn Lane will experience some increase in noise on top of that caused by natural traffic growth. An acoustic barrier or earth mound is recommended to protect these properties. A scheme detailing the acoustic measures should be submitted in writing and approved by the authority.

7.110 With regard to the proposed sports pitches, the precise allowable time period for use needs to be agreed.

Security

7.111 The Council is obliged under the Crime and Disorder Act 1998 to consider the crime and disorder implications of all planning applications. Crime and security issues can be material considerations in the determination of planning applications.

7.112 Circular 5/94 "Planning Out Crime" sets out the Government's general policy and gives specific advice on various aspects of planning out crime. The Circular states that planning proposals can help reduce crime, particularly if they are considered as part of a strategic approach incorporating a wide range of measures.

7.113 Police Architectural Liaison Officer's (PALO) comments are principally concentrated on the inappropriateness of rear courtyard parking and the potential for crime that this can bring about. The PALO's preference is for in-curtilage parking where vehicles are visible from active rooms. The PALO will be consulted at every reserved matters application, in order ensure that crime and security implications of the development are properly assessed.

7.114 The PALO other recommendations, as detailed within the consultations section of this report, will be secured via condition.

Ecology

7.115 PPS9 sets out the national policies for the protection of biodiversity and geological conservation via the planning system. The Statement underlines the Government's commitment to conserve, enhance and restore the diversity of wildlife and geology and to contribute to rural renewal.

7.116 To this end, PPS9 states that where the granting of planning permission would result in significant harm to such interests, LPA's must be satisfied there are no alternative sites and that the development of which would result in less or no harm.

7.117 Where this is not possible, LPA's should ensure that, before planning permission is granted, adequate mitigation measures are in place. Where significant harm cannot be prevented, adequately mitigated against or compensated for, PPS9 states that planning permission should be refused.

7.118 Policy DP31 of the LDF states that '*Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value*'. The applicants have supplied an Ecological Assessment in response to the requirements of Policy DP31.

7.119 The Ecological Assessment comprised a desk top study and a series of ecological surveys carried out at the site, namely: Phase 1 Habitat Survey; Badger; Bat Water Vole; Otter and Crayfish; Birds; Amphibians and Reptiles and a Nesting Birds Survey.

- 7.120 No protected species issues were identified anywhere on the site. A number of rabbit holes were identified but none were sufficiently large enough to be used by badger and no badger field signs were identified.
- 7.121 There are no ponds or watercourses on or close to the Site to provide habitat for water voles, otters or crayfish or to provide amphibian breeding habitat and the large expanse of arable fields provides no potential habitat for reptiles.
- 7.122 Westbourne Farm complex are the only buildings within the site. During the bat survey carried out at the farm buildings, Building A was identified as having low potential for roosting bats as there is no access for bats inside the loft spaces and there are no gaps under the roof tiles or in the brick walls for bats to roost in. Buildings B and C were identified as having no potential for roosting bats as the roof is not suitable and the brick walls are very low and solid with no crack or gaps. No evidence of roosting bats were identified anywhere on the site.
- 7.123 There is little bat roost potential within the wider survey area. There is an oak tree (T5 – fig 6.1) on the southern boundary of the site which has an ivy covered trunk that offer some low bat roost potential in the summer months for the occasional bat and the site offers little potential for foraging bats and for bat flight paths as the site is very exposed and the hedgerows are mainly low with very few trees.
- 7.124 Natural England has recommended that additional Bat Surveys are carried out prior to the commencement of the development. This can be secured via condition.
- 7.125 The hedgerows and trees within the survey areas do provide opportunities for nesting birds during the nesting bird season, which extends from March to September each year.
- 7.126 The Ecological Assessment concludes that the site has a very low ecological value at the present time. The large arable fields within the site are of minimal ecological value to wildlife. The hedgerows and occasional trees on the site are well spaced out with no continuity of habitat, except around the perimeter of the site and there are no ponds or watercourses present. The predicted impact of developing an area with such low ecological interest will therefore be minimal.
- 7.127 In terms of biodiversity enhancement, the masterplan incorporates screen belts and structure planting through the site, in particular proposing 650m of new boundary planting adjacent to the East Coast Mainline.
- 7.128 PPS9 requires that development sites should be explored as opportunities to deliver ecological gains where appropriate. A detailed wildlife enhancement plan would be expected for a site of this size and can be produced without altering the assessment layout, simply adding more detail, producing specification variations for selected areas and committing to the management of selected areas.
- 7.129 Bat roosting opportunities will be designed into 30% of all new buildings in the form of bat bricks or gaps behind soffits to benefit pipistrelle bats.
- 7.130 Nesting boxes will be designed into 30% of all new buildings to increase the overall habitat value for birds. This will provide nesting opportunities for a variety of birds listed within Hambleton BAP including house sparrows.
- 7.131 Yorkshire Wildlife Trust have recommended that a Habitat Creation Management Plan should be submitted either via condition or s.106 agreement.
- 7.132 Both the Yorkshire Wildlife Trust and Natural England have requested that a Winter Birds Survey be carried out and appropriate mitigation identified prior to the commencement of development. Again, this can be secured via condition.

Cultural Heritage

- 7.133 PPS5 sets out the Government's national policies on the conservation of the historic environment. It is accompanied by the 'Historic Environment Planning Practice Guide'.
- 7.134 Policy HE6 of PPS5 sets out the requirement for planning applicants to include with their application an assessment of the importance of heritage assets affected by their development.
- 7.135 An archaeological desk-based assessment was undertaken in January 2009. A walkover of the site was undertaken as part of the archaeological desk-based assessment. In addition, the historical and archaeological importance of the site was assessed using a variety of sources. These include cartographic evidence, records held at the North Yorkshire Heritage Environment Record (HER), North Yorkshire County Record Office (NYCRO), the archaeological catalogues held by The Archaeological Data Service (ADS) and, English Heritage's National Monument Record (NMR), and published archaeological and historic reports.
- 7.136 The Cultural Heritage Section of the Environmental Statement concludes that one listed building (a grade 11 listed milepost) has been identified in close proximity to the site.
- 7.137 The archaeological desk-based assessment has found that there are three known areas of archaeology within the site. A supposed Roman road exists at the north-eastern corner of the site as a slight earthwork. Two areas of cropmarks have been identified from aerial photographs to the north-west and south-east of Topcliffe Road. These suggest that the entire site could be covered by field systems of probably Iron Age or Romano-British date.
- 7.138 NYCC Heritage Section has recommended that a full archaeological evaluation be undertaken prior to determination of the application. However given the large site area of 72.5ha, it would be unreasonable and disproportion to require the applicant to undertake the investigation upfront. Accordingly, it is anticipated that any planning permission for development on the site will incorporate a planning condition relating to archaeology and that this will require a programme of appropriate archaeological evaluation and mitigation ahead of construction to be agreed with the Local Planning Authority. This scheme is likely to comprise geophysical survey followed by trial trenching.
- 7.139 The residual effects of the construction phase on the buried archaeology will be Medium Adverse of Moderate Negative significance or Medium Beneficial or Moderate Positive significance depending on whether the buried archaeological remains will be destroyed/damaged by construction or preserved in situ. The effects on the grade II listed milepost will be negligible.

Water, Flood Risk & Drainage

- 7.140 PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk.
- 7.141 Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

- 7.142 The use of Sustainable Urban Drainage Systems (SUDS) are promoted as a means of controlling surface water within the development boundaries to reduce the risk of flooding that may be associated with new developments.
- 7.143 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.
- 7.144 Chapter 11 of the Environmental Statement provides an assessment of the surface water and hydrology impacts including drainage and flood risk relating to the proposed development.
- 7.145 The site is within EA flood zone 1, and all development uses are deemed appropriate by PPS25. Notwithstanding the low flood risk, the Proposed Development has been designed to ensure it will drain effectively and not increase risks of flooding.
- 7.146 The site will be developed with separate systems of foul and surface water drainage. Foul drainage can connect to the existing Yorkshire Water network at a point approximately 1000m from the site into the existing 525mm combined sewer. Due to relative levels and distance between the site and the sewer, a new foul water pumping station will be required. The station can be provided under requisition from Yorkshire Water.
- 7.147 The strategy for surface water drainage is based on a sustainable system designed around infiltration techniques. The site is underlain by a variable but predominately granular matrix of soils. Infiltration tests undertaken during the various investigations produced positive infiltration rates for the majority of pits across the site and concluded that the design of infiltration drainage is possible. The effectiveness of this technique is dependant on a suitable maintenance regime through the operational phase.
- 7.148 The commercial uses on the western part of the site present the greatest risk of pollution of the groundwater during the operational phase. Each cell should be designed with a pre treatment phase including an interceptor prior to the soakaway.
- 7.149 The proposed development will pose increased demands on the water supply network and also the foul water treatment network. The impact is most significant during the operational phase and the adequacy of the water supply arrangements needs to be agreed with Yorkshire Water who will provide any offsite reinforcement to ensure the network is not impacted.

Ground Conditions

- 7.150 Planning Policy Statement 23: Planning & Pollution Control – provides guidance on the Local Planning Authorities (LPA) on how the management of contaminated land should be considered for planning application and site development.
- 7.151 Under current statutory guidance, it is the developer's responsibility to carry out the appropriate investigations and any necessary remediation. These actions will mainly be secured through planning conditions and the building regulations system.
- 7.152 MMi Geoenvironmental Limited has, on behalf of the applicant, produced a Geoenvironmental Appraisal in support of the application. A desk study and intrusive ground investigation, comprising trial pits, boreholes, soakaway test pits and

groundwater monitoring carried out by a number of consultancies and the findings have been incorporated into the Environmental Statement.

7.153 The following baseline conditions were recorded:-

- No significant made ground has been encountered on the site.
- Natural soils comprise topsoil underlain by predominately granular glacial deposits. These vary in nature across the site from a uniform sand to a coarse gravel with many cobbles. The density of the granular soils varies from very loose to medium dense.
- Localised bands and pockets of cohesive glacial deposits are widespread, both near surface and distributed within the granular deposits across the site.
- Rockhead was not encountered at the site.
- The underlying Mercia Mudstone is classified as a non-aquifer.
- No surface water courses lie within influencing distance of the site.
- No visual or olfactory evidence of gross organic contamination was encountered on the site and no inorganic contamination has been identified in the soils underlying the site.

7.154 As no contamination has been encountered on the site there is unlikely to be any significant effect on the environment or end users of the site during the operational phase. Potential impacts during construction relate to on site excavations and are temporary in nature.

Artificial Lighting

7.155 PPS23 Planning & Pollution Control permits LPA's to take account of the possible polluting impact of lighting in preparing local development documents.

7.156 The Council does not have a specific policy on artificial lighting, however DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to...*inter alia*...pollution (including light pollution)...

7.157 The external lit environment on and in the vicinity of the site was assessed as part of a baseline lighting survey. Readings of both illuminance (light spill) and luminance (glare) were recorded at key locations to benchmark existing light conditions and illustrate the current night time scene, particularly in the vicinity of nearby sensitive receptors.

7.158 Sensitive receptors include the residential properties to the south, north and east of the site which have direct view to the site. Sensitive receptors also include users of the surrounding footpaths (Green Lane) and road network (Topcliffe Road and Gravel Hole Lane). The effects of the change in the night-time scene from surrounding properties were also considered.

7.159 During the construction phase, the principal lighting are likely to be associated with the requirement for temporary lighting to illuminate temporary contractor compounds, working areas and perimeter lighting for security which will primarily affect the residential areas that border the east and north of the site.

7.160 During the operational phase, the introduction of artificial light sources within the site will result in changes to the current baseline conditions across the site and across some of the surrounding areas. However, the number of properties with a direct view is limited to those immediately adjacent to the east/north of the site and the majority of properties in the vicinity of the site will not be affected by light spill and glare. The main sources of artificial light are likely to include street lighting associated with the access roads, site access and possible additional street lighting on Topcliffe Road and intermittent flood lighting from the sports pitches.

- 7.161 In order to mitigate temporary impacts during construction on these receptors the lighting requirements at the site will be managed as part of CEMP (Construction Environmental Management Plan) lighting will involve the use of well located, modern light fittings which are directionally controlled and will be in accordance with best practice.
- 7.162 Permanent impacts will be mitigated through the implementation of an appropriate lighting design, including the use of low level lighting which minimise upwards light and ensure only the areas intended to be lit are lit. Lighting associated with the sports pitches should also be turned off when not required for health and safety purposes and subject to an agreed curfew.

Air Quality

- 7.163 National policy guidance regarding local air quality and new development is provided in PPS23. With regard to emissions to air, and specifically air quality management, Appendix 1G of Annex 1 to PPS23 states that 'any air quality consideration that relates to land use and its development is capable of being a material planning consideration.'
- 7.164 Chapter 14 of the Environmental Statement assesses the impact of the proposed development on air quality. In particular it considers the potential odour, dust and air quality impacts of the proposed development during the site preparation, earthworks and construction and operational phases.
- 7.165 A qualitative assessment of the potential impacts on local air quality from construction activities on the proposed development has been carried out. This showed that during site activities releases of dust and particulate matter were likely to occur and cause negative impacts if uncontrolled.
- 7.166 A qualitative assessment was also undertaken to assess the potential health effects associated with additional air pollutants (nitrogen dioxide and particulate matter) generated from road vehicle exhaust emissions during the construction phase of the proposed development. The assessment considered that given the relatively low existing background pollutant concentrations and likely number of construction vehicles that significant impacts were unlikely.
- 7.167 A quantitative assessment of the potential impacts during the operational phase was undertaken in order to predict the changes in nitrogen dioxide and particulate matter concentrations that would occur due to traffic generated by the proposed development. The results showed that the proposed development would cause small to large increases in nitrogen dioxide concentrations and small to imperceptible changes in particulate matter concentrations.
- 7.168 The Environmental Statement recommends that a number of dust suppression methods such as the use of sheeting over vehicles carrying materials, minimisation of stockpiled areas, cleaning of local highways are implemented for the duration of the construction.
- 7.169 Given the nature of the proposed development, no further mitigation measures are recommended within the Environmental Statement. Residual impacts for annual mean nitrogen dioxide concentrations remain direct, long term, permanent and of slight adverse significance and negligible for annual mean particulate matter concentrations. Residual impacts for 24 hour particulate matter remain direct, long term, permanent and of neutral significance.
- 7.170 The Council's Senior Scientific Officer has scrutinised the Environmental Statement and agrees with its conclusions on air quality.

Best & Most Versatile Agricultural Land

- 7.171 PPS7 issued in 2004 sets out guidance for development on agricultural land. The guidance addresses issues of sustainable development and requires land use decision makers to take account of the need to protect, and make prudent use of, natural resources including agricultural land. Although this should be balanced against the other objectives of delivering sustainable development. Paragraph 28 specifically relates to development involving best and most versatile agricultural land.
- 7.172 This point of principle was examined as part of the Allocations DPD production process. Nonetheless, an Agricultural Land Quality Report has been submitted with the application. Investigation of the application has confirmed the presence of Grade 2, but also a significant area sub-grade 3A quality land.
- 7.173 The report concludes that:-
- The development requirements of the Core Strategy are unlikely to be capable of being met without the significant loss of best and most versatile agricultural land – due to its widespread occurrence in Thirsk locality.
 - The application site is of lower quality in relative terms in comparison to other potential locations around Thirsk
 - The Core Strategy has to accommodate the effect of the development requirements on natural resources;
 - The allocation of development sites accords with prevailing national planning guidance to planning authorities in relation to the release of high quality farmland;
- 7.174 In light of the above conclusions, the loss of best and most versatile agricultural land cannot be upheld as a reason for refusal of the application.

Highway Considerations

- 7.175 PPG13 seeks to integrate planning and transport policies at national, regional and local levels in order to:
- Promote more sustainable transport choices for both people and for moving freight;
 - Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
 - Reduce the need to travel, especially by car.
- 7.176 PPG13 states that the transport implications of new development should be understood and traffic generation, parking provision, layout and other measures employed to improve access arrangements. Local authorities are required to apply maximum parking standards to development to promote sustainable transport choices. Walking and cycling is also encouraged.
- 7.177 In terms of TM2, the Allocations DPD states that:-
- “Vehicular access is available onto Topcliffe Road in two locations: adjacent to Cocked Hat Farm and near to the junction with Gravel Hole Lane. There is also potential for a future link through to Station Road if the need arises...The Council expects the new road layout for South West Thirsk to allow for this possible link. Green Lane East will provide improved pedestrian and cycle routes to the Town Centre and other retail development off Station Road.
- A full multi-directional intersection between Topcliffe Road (B1448) and the A168 to the south of Thirsk will be provided, to be funded through developer contributions. This new access will assist traffic circulation in the town by offering a much better link

with the A168 to the south, and thereby minimising the number of vehicles travelling northwards through the Market Place wishing to access the A19 part of the Thirsk Bypass.”

- 7.178 A road-link between the Topcliffe Road and Carlton Miniott through the application site has also been suggested by local residents. Although mentioned, this is not an absolute requirement of the Allocations DPD, however a footpath and cycle link from the application site to the railway station and an adoptable road constructed up to the site boundary to allow for potential future link to Station Road are requirements.
- 7.179 The bridge over the railway is not subject to a weight limit (for structural purposes). The road over it, from the A168 is however subject to an environmental weight limit as are all the roads in Thirsk. This is simply to stop HGV's from travelling through the centre of Thirsk as a short cut. The weight limits are 'except for access' therefore the new development would not be affected.
- 7.180 The road network within the development has been redesigned to form a “grid” type layout to reflect the form and character of Sowerby and to make it easier for pedestrians to find their way around the development.
- 7.181 There is a full commentary on the highway issues at paragraphs 6.24 – 6.36 of this report which details the Local Highway Authority’s comments.

PHASE 1 - RESIDENTIAL

- 7.182 Matters of principle relating to the whole of Allocation TM2 have been considered in detail above. This section of the report examines the specific details of the Phase 1 – Residential element of the scheme, namely: design and layout, density, amenity green space and landscaping, access, car parking, affordable housing and sustainable construction and protecting amenity.

Design & Layout

- 7.183 Policy DP32 of the Development Policies DPD states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 7.184 The proposed scheme is generally considered to be of good design in accordance with the principles of PPS1. The design reflects the traditional vernacular of Thirsk and Sowerby but aims to meet modern aspirations whilst sufficient car parking and private amenity space are to be provided. Clear steps have been taken by the developer to produce an innovative and attractive scheme via the incorporation of a defined gateway; enhanced public realm and a variety in plot orientation, widths and depths which help create a “village feel”. The section of three-storey dwellings adjacent to Topcliffe Road has been deleted in response to Members’ concern.
- 7.185 Members had also raised concerns with the modern “Gillamoor” house-type. However, the applicant has chosen to retain this housetype. This applicant explains that inclusion of the contemporary “Gillamoor” is intended to provide an exception and point of interest, a “surprise vista” within a more traditional environment.
- 7.186 Police Architectural Liaison Officer’s (PALO) comments are principally concentrated on the inappropriateness of rear courtyard parking and the potential for crime that this can bring about. The PALO’s preference is for in-curtilage parking where vehicles are visible from active rooms. The PALO would be reluctant to grant secured by design status for the Phase 1 – Residential element of the scheme. Whilst the PALO’s comments are acknowledged, it is considered that the removal of

rear courtyard parking would significantly alter the character of the development, diluting the “Village Feel” and increase direct access onto the main arterial routes. There will always be some compromise between visually pleasing design and secured by design. Therefore, the proposed layout is considered to be acceptable.

Density

- 7.187 In terms of density, the minimum range of between 30 dwellings per hectare (dph) is no longer quoted within national planning policy. Nonetheless, PPS3 does state that local planning authorities should have regard to, inter alia: the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 7.188 Allocation TM2 specifies a gross density of about 40dph. Excluding public open space and other areas of landscaping, the proposed scheme equates to a density of 31dph which falls slightly below the density expectations of TM2. However, being mindful of guidance contained within PPS3 and the ability of later phases to bring forward more dense development, the proposed housing numbers are considered to be acceptable.

Amenity Green Space & Landscaping

- 7.189 Policy DP33 of the Development Policies DPD specifies that landscaping of new development must be an integrated part of the overall design which compliments and enhances development and, inter alia, protects key landscape features.
- 7.190 Two mature hedgerows to the north eastern boundary and existing trees along Topcliffe Road are to be retained. An existing field hedge that dissects the smaller parcel of land is to be removed together with the hedge along Topcliffe. However, an extensive amount of new landscaping is to be incorporated within this first phase.
- 7.191 10% of the phase 1 residential site area is dedicated to publicly accessible open space in a variety of forms – some hard and some soft. Some areas are to serve as informal amenity ‘greening’, some following footpaths and cycle routes; others will have more specific uses, such as casual parking, play or community interaction. The proposed hard and soft landscaping scheme will soften the appearance of the development and is considered to comply with Policy DP33.
- 7.192 It is intended that the ‘common land’ is either adopted by the Highway Authority, under a s.38 agreement and/or be taken over, managed and maintained by a third party, such as a management company or The Parish Council. Further discussions are taking place with regards to the most appropriate solution.

Access & Car Parking

- 7.193 Policy DP3 of the Development Policies DPD stipulates that all proposals for new development must include provision for sustainable forms of transport to access the site whilst Policy DP4 insists that development proposals must ensure safe and easy access is available to all potential users.
- 7.194 The total of 339 car parking spaces is proposed throughout the development. This is comprised of 71 garage spaces, 218 parking spaces/drives/carports and 50 visitor bays, which equates to approximately 3.2 spaces per dwelling.
- 7.195 Access to the site will be taken via a newly formed roundabout on Topcliffe Road. The highway network then follows a logical hierarchy, addressing manoeuvrability and safety whilst ensuring that the roads do not dominate the layout with the highway specifically laid out to reduce vehicle speeds with changes in direction and surfacing.

- 7.196 The Local Highway Authority considers the level of car parking and access arrangements to be suitable. Consequently, the proposed development complies with Policy DP3 and DP4 of the Local Development Framework.

Affordable Housing

- 7.197 It is proposed to deliver 43 affordable residential units on site which equates to 40%. The breakdown is as follows: 17 x two-bed houses, 16 x three-bed houses and 10 x four-bed houses. This complies with Policies CP9 and TM2 which set a target of 40% affordable housing for the site.
- 7.198 All of the affordable dwellings will be built to Code 4 of the Code for Sustainable Homes and will be to Lifetime Homes. There will be a mix of affordable tenures. The emerging SHMA shows a need for an increase in the amount of property available for rent and a 70/30 split between rent and low cost homeownership properties is appropriate in Phase 1. This will be subject to a s.106 agreement.
- 7.199 It is likely that a larger proportion of smaller properties will be offered for sale but that some of the larger properties will also be subject to sale. The affordable properties are evenly distributed across the site with individual properties or very small clusters. The properties will be subject to a local connection occupancy criteria which will be restricted to Thirsk and Sowerby and its hinterland rural villages.

Sustainable Construction

- 7.200 Policy DP34 of the Development Policies DPD requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 7.201 The applicant's preferred energy solution for the Phase One of the residential to date is based on the findings of the CfSH report completed by Future Energy Systems. The preferred technology for the site to meet the required energy and Code for Sustainable Homes target is solar PV. The applicant has voluntarily set themselves the target of achieving Level 4 of the Code for Sustainable Homes across the entire site. This approach is considered to be acceptable.

Protecting Amenity

- 7.202 Policy DP1 of the Development Policies DPD requires all development proposals to adequately protect amenity.
- 7.203 The Council applies indicative separation distance of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used to assess the impact of any future reserved matters applications. All reserved matters applications will be required to comply with these separations distances. The detailed assessment in relation to the Phase 1 – Residential is included later in this report.
- 7.204 Some 32 dwellings on the western edge of Cocked Hat Park and Saxty Way will be most affected by the proposed residential development to the west of Topcliffe Road.

The access track to Westbourne Farm from Topcliffe Road forms the boundary between the existing Cocked Hat Park and Saxty Way residential areas and the proposed development. The track is approximately 10m – 12m wide with a 2m high well trimmed hedgerow with occasional trees on the western side boundary of the track and field extending to the northern extent of Cocked Hat Park. Existing garden planting includes small trees, large shrubs and lengths of 2m high hedgerow.

- 7.205 The proposed dwellings will be positioned over 31m away from existing residential properties on Cocked Hat Park and within Saxty Way which significantly exceeds the best practice separation distances applied by the Council.
- 7.206 In addition, the proposed layout achieves adequate levels of space about the proposed dwellings and the in order to avoid problems of overlooking and overshadowing between the proposed properties.

PHASE 1 – EMPLOYMENT DEVELOPMENT

- 7.207 Matters of principle relating to the whole Allocation TM2 have been considered in detail above. This section of the report examines the specific details of the Phase 1 – Commercial element of the scheme, namely: design and layout, landscaping, access, servicing and car parking and sustainable construction and noise, dust and odour.

Design & Layout

- 7.208 The proposed units haven been designed to respond to the positive elements of urban design found on the more attractive business parks within the District. The units will provide a modern contemporary appearance incorporating a mix of cedar cladding, flat cladding, white render and architectural blockwork. The entrances are identified with a glazed screen. The overall design concept is commensurate with the image the Council would wish to promote for this phase of the commercial development.
- 7.209 The proposed units will have a strong physical relationship with neighbouring industrial land and represent a natural expansion commercial uses in this location. Whilst the proposals maximise the available land, the development would be set within an established landscape framework and would be laid out to ensure a good standard of design in regards to the creation of a high quality business environment.

Landscaping

- 7.210 The scheme aims to create a robust native landscape scheme to the development which contributes to the biodiversity of the landscape and mitigates the potential visual impact of the buildings and infrastructure. Native hedgerows will be used to provide short and medium distance screening. This will be enhanced by trees planted along hedge lines. This approach is considered to comply with Policy DP33.

Access, Servicing & Car Parking

- 7.211 Sufficient space exists on site for the provision of staff and visitor car parking, cycle parking and servicing as required by Policy DP32 of the Development Policies DPD.

Sustainable Construction

- 7.212 At this stage it is not proposed to install PV or similar onto the incubator units. This is due to the need to keep build costs low to allow these units to be available to the local community at competitive rates. The applicant suggests that the carbon savings on the Phase 1 residential development are four times higher than the carbon savings that would need to be delivered from on site renewable energy on the

incubator units. It is therefore considered that the carbon savings associated with developing the dwellings to Code 4 (through significant improvements on building performance together with the 10% renewables) on the housing is sufficient to meet the policy targets for the whole development when considering the incubator units.

Noise, Dust & Odour

- 7.213 At present there is no information as to potential tenants or likely operations to quantify potential noise levels or dust/odour issues. The general principle of a landscaped belt and locating general office/commercial uses adjacent to residential uses should act as a buffer between more intensive industrial uses located behind.
- 7.214 Again at this stage there are no details re the type, number or location of fixed mechanical and electrical plant. It is recommended that the previous noise limit suggested where plant shall not exceed 35 dB Lar, Tr be included as a condition to prevent noise creep.
- 7.215 Any processes/plant likely to cause noise, dust or odour nuisance should be required by condition to submit in writing a scheme to minimize such impacts and be approved prior to commencement of the development.

S.106 – HEADS OF TERMS

- 7.216 A planning obligation under Section 106 of the Planning Act has been prepared. The following are key features of the agreement.

Affordable housing

- 7.217 Phase 1 provide 40.18% affordable housing and in subsequent phases 40%

Bicycle voucher

- 7.218 A voucher to the value of £100 to supply a bicycle for each dwelling to promote cycle use as an alternative to the car.

Bus Routing

- 7.219 A sum of £100,000 per annum for the first 5 years to extend an hourly bus service Monday to Saturday in to the application site.

Bus Stops

- 7.220 To provide bus stops within the developed area.

Community Facilities

- 7.221 Direct provision of the following:

Allotments/Community Garden - with a perimeter post and rail stock fence and linking grass paths.

Cycle track – with mounds the shape and layout to be agreed.

Formal Sports Pitches – complete with markings, posts, nets and drainage if required. Pitch size will be determined by Sport England Guidance.

- 7.222 *Community Youth and Changing facilities* – comprising: multipurpose hall; 6 changing areas with appropriate shower and toilet facilities; 4 match official rooms

(one dual purpose first aid room); soft landscaping areas; concrete flag paths; car parking – tarmac marked with bays and directional signs.

- 7.223 Buildings to be provided directly by the Developer either on site or off site if the Council have secured the right to do so or a mix of the two. The scheme can include either for build by the developer or a sum of £1,500,000 for the works to be procured by the Council. The offer is made on the basis that the Clubs using the facility are responsible for future maintenance. However the offer includes for the £1,500,000 to be used for a mix of capital investment and maintenance if alternative funding can be found to cover the capital costs.

Cycleway/Footpath link to Station Road

- 7.224 To undertake to improve the existing public footpath to Station Road, Carlton Miniott or to pay a contribution to the County Council to do the works the work to be complete by the 850th dwelling. Until completed an annual £5000 sum paid towards maintenance of the existing footpath.

Education Contribution

- 7.225 A sum of £2,556,048 towards the provision of an additional primary school

Framework Travel Plan

- 7.226 To manage the delivery of sustainable travel to and from the development. Including the running of a Travel Plan Steering Group and provision of a sum of £40,000 towards the cost of promoting a shift from cars to other means of travel if the initial measures do not achieve this aim.

Local Areas for Play and Local Equipped Areas for Play

- 7.227 Provision of local areas of play within residential area and maintenance sums or for maintenance to be undertaken by a Management Company or other approved body. Maintenance arrangements to be confirmed within 6 months of the commencement of development of each phase.

Phasing

- 7.228 A requirement to maintain a record of the progress of the works against the phasing set out in the Masterplan documents

Public Art

- 7.229 A scheme to be agreed and undertaken

CONCLUSION

- 7.230 Subject to the final comments of the Highways Agency, the principle of the proposed strategic mixed use development is considered to be substantially in accordance with the adopted Development Plan policies, in particular Allocation TM2 and the site specific issues relating to the Phase 1 Residential and Phase 1 Employment Development elements of the application, including, *inter alia*: design and layout; density; amenity green space and landscaping; access, servicing and car parking; affordable housing; sustainable construction; protecting amenity; ecology; drainage; air quality; noise; dust and odour are found to be in accordance with the aims and policies of the Hambleton Local Development Framework.

- 7.231 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for application as submitted.

8.0 RECOMMENDATION

GRANTED subject to conditions covering the following matters. This is list is subject to alteration:-

1. Reserved Matters – Outline
2. Commencement – Phase 1
3. Approved Plans
4. Materials
5. Boundary Treatment
6. Landscaping
7. Levels
8. Hours of Construction
9. Noise – Mitigation
10. Vibration Monitoring Programme
11. Ventilation
12. Land Contamination
13. Surface Water Drainage
14. Foul Water Drainage
15. Lighting
16. Network Rail – Suggested Conditions
17. Archaeological Evaluation & Mitigation
18. Sustainable Construction
19. Construction Environmental Management Plan
20. Secured By Design
21. Ecology Mitigation
22. Winter Birds Survey
23. Bat Survey
24. Habitat Creation Management Plan
25. Retained Trees
26. Footpath Link
27. Highways Conditions – including completion of all-movements junction with 6 months of the occupation of the first dwelling and the other listed off-site highway improvements (detailed within the Local Highway Authority's recommendation).

HIGHWAY AUTHORITY RECOMMENDATION



Continuation sheet: 98
Application No: 10/02373/OUT

Application No: **10/02373/OUT**

Proposed Development: O/A for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8), neighbourhood centre (A1, A2, A3, A4, A5, C1, C2 & D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking & means of access (all matters reserved apart from means of access). Phase 1 residential 108 dwellings & phase 1 commercial (B1c) all details to be considered.

Location: Land Off Topcliffe Road & Gravel Hole Lane, Sowerby, Thirsk

Applicant: Castlevale Group Ltd/Broadacres Services Ltd/Messrs Sowerby

CH Ref: TD/D2/621 **Case Officer:** Tim Coyne

Area Ref: **Tel:** 01609 532685

County Road No: **E-mail:** tim.coyne@northyorks.gov.uk

Following a review of the documents submitted in support of the application the Local Highway Authority is now satisfied that matters relating to transport have been satisfactorily addressed and a commentary on the issues is provided. Should permission be granted it is recommended that matters are secured through both a Section 106 Agreement and through Conditions.

MATTERS TO BE SECURED THROUGH A SECTION 106 AGREEMENT:

- (1) Provision of Travel Plan
- (2) Contribution towards the improvement of the public right of way which links the application site to the railway station.
- (3) Contribution towards the support of a bus service into the site together with appropriate infrastructure.
- (4) Submit for approval a scheme for the extension of the existing 20mph zone.
- (5) Contribution towards costs associated with the making and implementation of any Traffic Regulation Orders

Date:	22 nd November 2011	Approved	T. Coyne
To:	Hambleton District Council Planning Department Stone Cross Northallerton DL6 2UU	Signed: P. Johnson For Corporate Director for Business and Environmental Services	
FAO:	Mr J. Saddington		
Copies to:	Area 2 Mr S. Jones, Highways Agency		
Issued by:	Issued by: Transport & Development Control Unit, County Hall, Northallerton, North Yorkshire DL7 8AH		
Please send a copy of Decision Notice and any correspondence to the above address			

For office use only	Application Category	Agreements	Off site drainage	Structures	Cycle Parking	
	E					

MATTERS TO BE SECURED BY CONDITION

1. HC-01 Detailed Plans of Road and Footway Layout (Outline All Types)

Unless otherwise approved in writing by the Local Planning Authority, and in relation to Phase 1 and subsequent Phases thereafter, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site relating to that Phase under consideration, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
 - (k) details of all measures to ensure the phasing of the works does not compromise compliance with highway design standards.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority *in consultation with the Local Highway Authority.*

Reason

In accordance with policy number and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

2. HC-03 Construction of Roads and Footways (Amended)

No part of any phase of the development to which this permission relates shall be brought into use or dwelling occupied until the carriageway and any footway/footpath from which it gains access shall be constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in *consultation with the Local Highway Authority* before any part of the approved phase of development is brought into use.

Reason

In accordance with policy number and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

3. HC-08 Permanent Site Construction Access

In relation to phase 1 and subsequent phases thereafter, there shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details *and the published Specification of the Local Highway Authority*. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority *in consultation with the Local Highway Authority*. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason

In accordance with policy number and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

4. HC-10 Visibility Splays – onto Topcliffe Road

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access until splays are provided giving clear visibility of 90 metres from the residential priority junction for phase 1 measured along both channel lines of the major road Topcliffe Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with policy number and in the interests of road safety

5. HC-10 Visibility Splays - within the site

No part of any phase of the development to which this permission relates shall be brought into use until visibility splays relating to that phase are provided giving clear visibility of 43 metres measured along both channel lines of the access road from a point measured 2.4 metres down the centre line of the adjacent side road, to which the phase relates. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with policy number and in the interests of road safety

6. HC-12a Approval of Details for Works in the Highway

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority *in consultation with the Local Highway Authority (and Highway Authority with regard to the A168/B1448 junction works)*.
- (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
- (iii) A programme for the completion of the proposed works has been submitted.
The required highway improvements shall include:
 - a. Improvements to the A168/B1448 junction to allow 'northbound on' and 'southbound off' movements.
 - b. Improvement works to B1448 Topcliffe Road including
 - (i) access roundabouts
 - (ii) drainage
 - (iii) lighting
 - (iv) footways

- (v) pedestrian islands
 - (vi) toucan crossing
 - (vii) zebra crossing
 - (viii) bus infrastructure
 - (ix) parking bays adjacent Melbourne Place
 - (x) 'Keep Clear' road markings adjacent Sowerby Road
 - (xi) Provision of missing footpath link on western side of road railway bridge and 'Thorpefield'
- c. Widening at the Topcliffe Road/Station Road/Westgate mini roundabout to provide 2 dedicated approach lanes from Topcliffe Road and Westgate
 - d. Widening at the Kirkgate / A61 junction to provide 2 dedicated approach lanes from Kirkgate.
 - e. Re-alignment of the Gravel Hole Lane junction with Topcliffe Road.

Reason

In accordance with policy number and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

7. HC-12c Completion of Works in the Highway (before occupation)

Unless otherwise approved in writing by the Local Planning Authority in consultation with the Local Highway Authority (and Highway Authority with regard to the A168/B1448 junction works), the development shall not be brought into use until the following highway works have been constructed and brought into use in accordance with the details approved in writing by the Local Planning Authority under condition number: 12a in accordance with the required timings:-

Prior to Occupation of any Dwellings/Employment development :

- a. Improvement works to B1448 Topcliffe Road including
 - (i) access roundabouts
 - (ii) drainage
 - (xii) lighting
 - (xiii) footways
 - (xiv) pedestrian islands
- b. Re-alignment of the Gravel Hole Lane junction with Topcliffe Road

Prior to Occupation of the 50th Dwelling or 1,500 sq.m of Employment Development (whichever is sooner):

- a. Improvements to the A168/B1448 junction to allow 'northbound on' and 'southbound off' movements.

Prior to Occupation of 50th Dwelling:

- a. Provision of toucan crossing on Topcliffe Road
- b. Provision of bus infrastructure on Topcliffe Road
- c. Provision of parking bays adjacent Melbourne Place
- d. Provision of 'Keep Clear' road markings adjacent Sowerby Road
- e. Widening at the Topcliffe Road/Station Road/Westgate mini roundabout to provide 2 dedicated approach lanes on Topcliffe Road and Westgate.
- f. Widening at the Kirkgate / A61 junction to provide 2 dedicated approach lanes on Kirkgate

Prior to Occupation of any Development on the Eastern Side of Topcliffe Road:

- a. Provision of zebra crossing on Topcliffe Road
- b. Provision of missing footpath link on B1448 between railway bridge and Thorpefield

Reason

In accordance with policy number and in the interests of the safety and convenience of highway users.

HI-08 INFORMATIVE – Section 278 Agreement

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Local Highway Authority.

8. HC-14a Details of Access, Turning and Parking

In relation to each phase of development, including Phase 1 and *Unless otherwise approved in writing by the Local Planning Authority*, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority *in consultation with the Local Highway Authority*:

- (i) tactile paving
- (ii) vehicular, cycle, and pedestrian accesses
- (iii) vehicular and cycle parking
- (iv) vehicular turning arrangements
- (v) manoeuvring arrangements
- (vi) loading and unloading arrangements

Reason

In accordance with policy number and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

9. HC-14b Provision of Approved Access, Turning and Parking Areas

No part of the Phase 1 Employment development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number:

- (i) have been constructed in accordance with the submitted drawing (Reference 11207-001 Rev G).

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with policy number and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

10. HC-16 Parking for Dwellings

No dwelling in relation to Phase 1 and any subsequent phases shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with policy number and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

11. HC-17 Garage Conversion to Habitable Room

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) in Phase 1 and any subsequent phase shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason

In accordance with policy number and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

12. HC-18a Precautions to Prevent Mud on the Highway

In relation to each phase of the development, there shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority *in consultation with the Local Highway Authority* in relation to each phase. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority *in consultation with the Local Highway Authority*. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority *in consultation with the Local Highway Authority* agrees in writing to their withdrawal.

Reason

In accordance with policy number and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

13. HC-22 Doors and Windows Opening over the Highway

All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason

In accordance with policy number and to protect pedestrians and other highway users.

14. HC-24 On-site Parking, on-site Storage and construction traffic during Development

In relation to each phase of development and *Unless approved otherwise in writing by the Local Planning Authority* there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason

In accordance with policy number and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area

15. Construction Phase Management Plan

There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until a Construction Phase Management Plan in association with Phase 1 and subsequent phases at the appropriate time has been submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The measures shall include but not be limited to:

- a) Details of the routes to be used by HCV construction traffic.
- b) Traffic Management Plan

Reason

In accordance with policy **number** and to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.

16. HI-12b INFORMATIVE – Adjacent Public Rights of Way

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Local Highway Authority any proposals for altering the route

17. HI-15 INFORMATIVE – Landscaping

Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway

Sowerby Gateway Comments and Queries

ES Chapter 9 Transport Assessment August 2010	
Para	ES Text
27	<p><i>“Main receptor of the traffic impact resulting from the Proposed Development is the surrounding road network with additional effects on existing pedestrian / cycle routes and public transport provision in the vicinity of the Site”</i></p>
32	<p><i>“Typical peak highway hours have been assessed and are as follows: Friday AM Peak Hour: 0815 – 0915 Friday PM Peak Hour: 1645 - 1745</i></p>
39	<p><i>“There are three signed cycle routes into town . . .”</i></p>
40	<p><i>“The site is well-connected by several bus services running daily . . .”</i></p>
41	<p><i>“The station is 2km west of Thirsk and is within comfortable reach from the site by foot, cycle, bus or car and is along a road with marked-out cycle lanes.”</i></p>
	<p>Comments / Queries</p> <p>If the main receptor is the surrounding road network, where is the assessment of impacts from the increased traffic on adjacent home owners, local school children and on existing street/town centre parking provision?</p> <p>No assessment has been made of the traffic at its busiest period which is not the normal rush hour. The traffic along Topcliffe Road is often busiest at school closing times in late afternoon between 1500hrs and 1630hrs. Thirsk and Sowerby suffer severe congestion particularly during race days at Thirsk racecourse. It is essential that the traffic model investigates the impact of the development at these high usage times.</p> <p>Cycle routes exist but do not currently link the development to town and local amenities so this comment is misleading. There are no dedicated cycle lanes from the development and it would appear there is no road width to include.</p> <p>Maybe, but at what frequency during the day? Once or twice a day is not sufficient. Is a local bus company keen to service the development?</p> <p>The development is not within comfortable walking distance of the station. Volume 2b Technical Appendices 9.1 and 9.2 Transport Assessment & Travel Plan) states that the station is within 40 mins walking distance along the main roads or 30 mins using a route part of which is along an unmade footpath between field boundaries. This route is not practical to access during the winter by most commuters and would not be safe after dark, therefore access to the station by foot is not practicable for most members of the public.</p> <p>There are no marked out cycle lanes connecting the development to the station. The cycle lanes only run from the A61 Station Road / B1448 Topcliffe Road / B1448 Westgate roundabout to the station. As stated before it is</p>

		questionable whether there is sufficient width along Topcliffe Road to incorporate a cycle lane and if so will the developer fund?
43	<i>"... buses can easily enter the site and service both the residential and commercial/industrial areas."</i>	More bus journeys along the narrow Topcliffe Road and into the market place will further impact upon pedestrians, homeowners and school children. Where is the assessment of these impacts?
44	<i>"... ensures that HGVs do not have to travel further along Topcliffe Road than is essential".</i>	Will there be constraints to HGVs travelling further north on Topcliffe Road? Will the constraints be signed? How will this be managed in conjunction with Tesco / Lidl lorries etc that need unrestricted access? The reference to essential needs to be clarified as it does not represent any quantification and hence no measure of impact.
66	<i>"Paragraph 73 describes the proposed junction improvement to the junction of A168 / B1448 which will ensure that development traffic flows through the town are reduced."</i>	Reduced to what level?
67-73	<i>Mitigation measures</i>	It is refuted that these measures will significantly mitigate the likely congestion – see comments under ES Non Technical Summary Para 70 below and analysis of traffic data.
78	<i>"With all proposed mitigation measures in place (junction improvements and Travel Plan measures) it is considered that the overall impact on the highway network is of minor negative significance"</i>	Since 2 out of the 3 key junctions identified in the assessment are "approaching capacity in the base scenario" (Para 36) it is difficult to accept that even with mitigation impacts are not far more significant than 'minor negative'.
82	<i>The impact of the Proposed Development on pedestrian access is therefore of permanent major positive significance"</i>	Since there is currently no development there has been no <u>need</u> for pedestrian provision from the site, so we can't accept that the new provision is rated major positive. Ditto cycle impacts (see para 110)
86	<i>"... provision of a network of landscape cycle routes and crossing points (including on the B1448) creating links to the existing highway network".</i>	There are no new cycle lanes proposed to link with the existing network. The cycle 'route' rather than 'lane' along Topcliffe Road does not provide safe access currently and thus with increased vehicular traffic, hazards to cyclists can only be exacerbated.
111	<i>"Improvements to public transport facilities ... overall moderate positive impact ..."</i>	Impacts cannot be positive if there are no enhanced frequency of bus services. Is this guaranteed?

ES Non Technical Summary August 2010

Para		Comments / Queries
43	<p><i>“Providing that all the mitigation proposals are effectively implemented and managed... then the overall visual impact on the settlement, landscape character and receptors at the operational phase will be minor positive”</i></p>	<p>It is difficult to envisage that housing and commercial buildings that are a storey higher than any other currently existing within the area can lead to a minor positive impact as the development can only be seen as having an urbanising visual effect on the rural landscape character of the curtilage of Sowerby. An explanation of this conclusion is required along with a comprehensive listing of the mitigation measures.</p>
62	<p>Advises that noise mitigation on the existing road network has been limited to traffic speed restrictions and the application of low noise road surfaces.</p>	<p>Is it proposed to install low noise road surfaces along the length of Topcliffe Road to mitigate the impact to existing residents?</p>
62	<p><i>“Due to the already low speeds ... it is likely that such measures will provide only minimal benefits.”</i></p>	<p>Is it hence correct to conclude that mitigation of the increased noise levels along Topcliffe Road will not be effectively mitigated for existing residents?</p>
70	<p>Concludes that the A61 Station Rd/B1448 Topcliffe Rd/Westgate roundabout is forecast to operate over capacity by 2026.</p>	<p>The plans for mitigation are ill-defined and will have minimal impact on the capacity of the roundabout. This is not acceptable – see below.</p>
	<p>The transport assessment states that <i>“The capacity analysis forecasts that this junction will exceed its practical capacity under 2011 base flows...”</i> meaning that in effect it is already operating beyond its safe capacity.</p> <p>Mitigation measures are depicted as follows:-</p>	

	<p>To retain a roundabout in this area and develop a “safer” junction would require a significant increase in the gap times requiring in turn a significant increase in the size of the roundabout. It is impossible to significantly increase the size of the roundabout without removal of the adjacent buildings.</p> <p>It becomes clear that the only way to effectively mitigate the impacts at this junction are to reduce the traffic flows and this would in turn only be achieved by providing the bypass connecting Topcliffe Road with A61 Station Road. This scenario must be modelled and the results issued for public scrutiny.</p>	<p>This needs to form part of a comprehensive site wide strategy and should be dealt with as part of the overall master plan such that the need for drainage and ponds can be effectively and aesthetically incorporated into the overall development.</p> <p>What are the proposals?</p>
74	<p>Deals with drainage and suggests that soak-away drainage and percolation can deal with surface run-off provided that “long term maintenance plans are prepared”.</p>	<p>It is entirely unclear how the conclusions set out have been reached and further insight is required to enable informed comment to be made. It is not appropriate to assume that increased population will lead to either Negligible to Major Positive impact.</p>
103-106	<p>Deals with the Socio Economics of the development.</p>	<p>This is however due to the overall improvements in background air quality of the existing environment which will apparently be able to mitigate the negative impacts of the development.</p> <p>The effect of this is that the existing residents of Sowerby will not be able to experience the air quality improvements which would occur without the development. The conclusion of this is that the impact on the existing residents will not be minor negative and is more likely to be major negative.</p>
112	<p>Concludes that with regard to air quality the level of pollution at the development site will be no worse than that existing at 2010.</p>	<p>The conclusion stated here cannot be agreed and appears to be the subjective opinion of the author rather than a matter of objective assessment. Whilst the habitat may change it cannot be concluded that just because it is changed it is positive.</p> <p>If this is the major benefit of the development then there is little to support its endorsement.</p>
125	<p>Interactions</p>	

129	<p>Summary of overall benefits of the development i.e. <i>“major positive effects on walking / cycling and socio-economics (job creation) . . . “</i></p>	<ul style="list-style-type: none"> • Walking / cycling - The assessment deals only with the provision of facilities within the development and as such fails to demonstrate that there is any positive impact on the existing situation. It is naive to assume that the provision of cycleways and footpaths within the development will on their own result in increased walking and cycling. • Socio-economic - The development will provide 925 house units and result in a significant increase in the existing Sowerby population (circa 4000). Of this number possibly 2000 would require employment. The number of employment opportunities afforded by the new development will not in any way match this requirement (the under-developed Europark on Station Road could be sited as an example) and thus most new occupants are likely to commute to work either via the A168, A19 or the A61. It is hence concluded that the increased socio economic activity will not be commensurate with the scale of the development. This is assuming that all of the potential employment opportunities can be developed just by the provision of working space which is in itself a rash assumption. Much more needs to be done in order to balance the needs of the new residents of the development with the opportunities that are being afforded by it.
130	<p>Concludes that the overall impact of the development will be negative.</p>	<p>Whilst any negative impacts can be mitigated, the level to which they can be mitigated does not make them positive. Much more effort is required to minimise rather than just mitigate impacts to some undefined degree.</p>

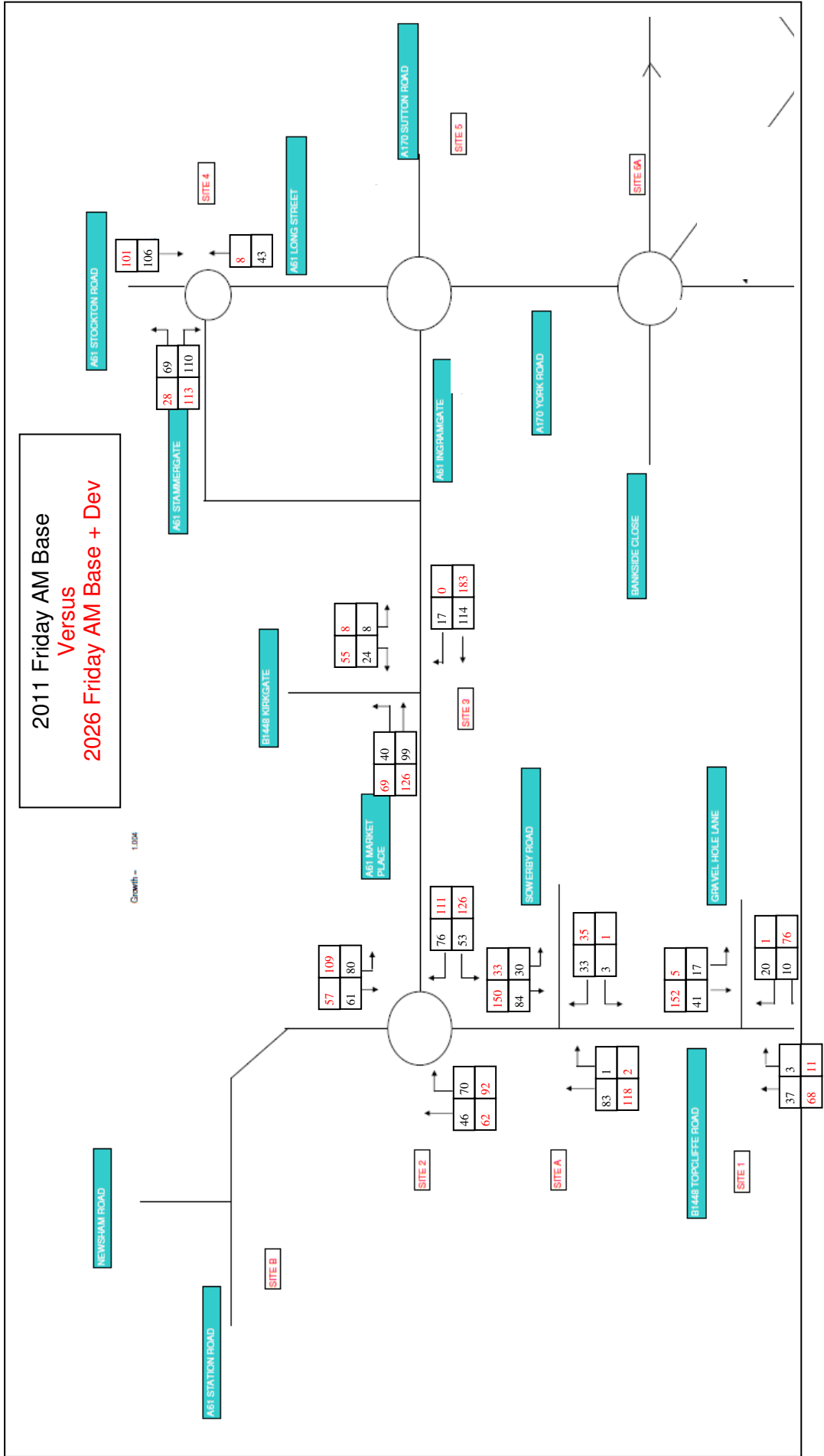
General Queries and Comments	
1	<p>A168/B1448 Junction</p> <p>It has now been reported that a separate application for a full multi-directional interchange between the A168 and B1448 has been submitted as part of a separate planning application.</p> <p>This change needs to dealt with as a fundamental part of the existing application and not as a separate application. The transport assessments provided in the development application need to be updated to reflect the changes that such a junction will have on a range of issues including transport, visual impact, noise, pollution, etc. To deal with the A168 junction as a separate matter is not acceptable as the junction improvement would not be required if the development was not proposed. The provision of the 4 way interchange is to address the traffic flows generated by eth proposed development and the impact of the junction improvements must be modelled to enable an informed assessment to be undertaken.</p> <p>The provision of the improved junction is required prior to the commencement of the development. Fundamentally this is the only way to effectively deal with the significant volumes of construction traffic that will be generated by the construction process. Construction traffic should be required to enter and leave the development site using only the new interchange thus avoiding significant impacts on the existing town highways.</p>
2	<p>Parking Provision at Station</p> <p>Is the developer providing additional parking provision at the station? At present the car park is often full to capacity.</p>
3	<p>Rat-runs</p> <p>How will rat-runs be prevented?</p> <ul style="list-style-type: none"> - To the A168 along Gravel Hole Lane / Blakey Lane and over Blakey Bridge - To town along Gravel Hole Lane, Front Street and Sowerby Road
4	<p>Increased bus trafficking</p> <p>Even if there are regular bus services, most residents on the development will still use their cars for the Tesco shop (like most existing residents in Sowerby and Thirsk) thereby overloading the local road network particularly at weekends.</p>
5	<p>Race Days</p> <p>Has the developer considered the impacts of the development on race days and other event days when Thirsk and Sowerby are already significantly congested?</p>
6	<p>Bypass to A61</p> <p>Why is the developer not creating a new Greenfield highway link to the A61 near Austin Reed thereby reducing a proportion of the additional traffic along Topcliffe Road and the roundabout? This would also present an alternative route to Tescos. Has there been any assessment of the mitigation effects of this on</p>

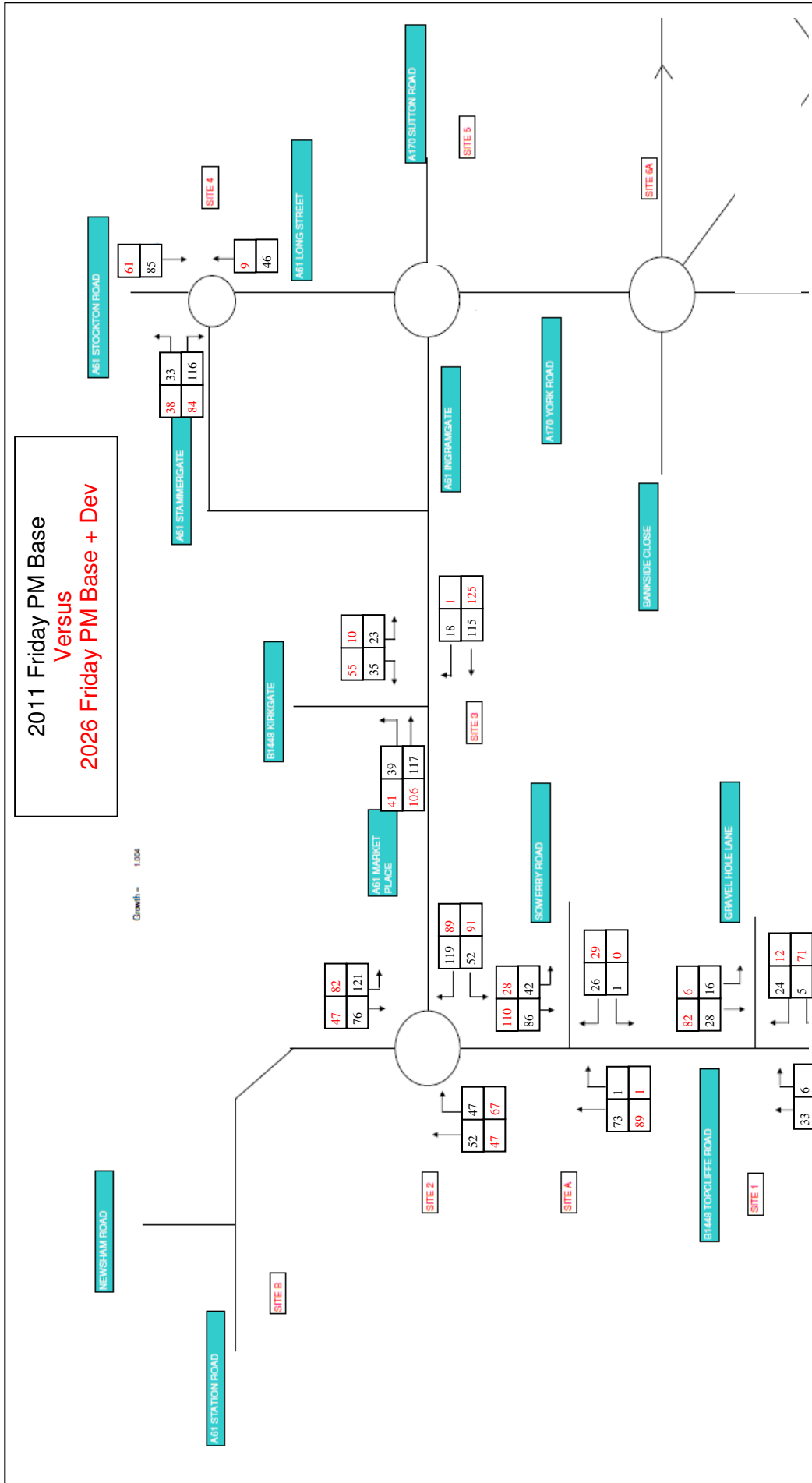
		traffic using Topcliffe Road to access the A61/Tescos?
7	Impacts to residents	It is noted that the Transport Assessment considers the local road network to be the 'receptor' and the sensitivity and significance of impact is thus reviewed on this basis. What part of the ES assesses the impacts to receptors on the road network i.e. local residents living along say Topcliffe Road / Gravel Hole Lane (noise/air quality) and the impacts to their quality of life / ability to park on-street from the volumes of additional traffic generated? Ditto impacts to access / safety of school children accessing the existing schools?
8	Junior School	The current location of the Junior School serving the development requires that pupils and parents cross an increasingly busy B1448 in what will be a highly congested area with 2 roundabouts and an additional junction. Consideration should be given to relocating the proposed Junior School within the development to avoid conflict between pedestrians and cars which can only result in increased accident rates.
9	Secondary School	No mention has been made of the pressures that the development will place on the current Secondary School. The development is certain to cause the existing facility which is close to its capacity to be over- subscribed. The fabric of the existing school is reaching the end of its practicable life and will not meet the needs of changing education patterns and increased pupil numbers. The development (and developer) must make adequate provision for improvement or more likely replacement of the existing facility <u>within</u> the Section 106 agreement. It may be more practical to consider upgrading the existing local primary school in Sowerby allowing a more effective focus on replacing the aging secondary school.
10	Leisure Area	The Leisure area denoted as being gifted to Hambleton will present a significant financial burden on either Hambleton DC and/or Sowerby Parish Council. If this area is not adopted by the Council it will fall into a state of disrepair and rather than being an amenity will become a significant problem area. A significant commuted sum to enable the long-term maintenance of the leisure area should be provided along with any transfer of title. This commuted sum should take cognisance of the fact that the development is phased over a long period and any increased income to the council from an increase in resident numbers will not be commensurate with the increased financial burden that such a facility would place upon either Council.
11	Impacts to existing Cyclists and Pedestrians	The transport assessment (and Paras 73/74 ES Non Technical Summary) relating to Cyclists and Pedestrians deals only with the impact that the development will have upon the new residents of the Gateway Development. Assessment and consideration of the connections to and the impacts on the existing users needs to be taken into account in any formal assessment.

		<p>This is a fundamental failing of the assessment as currently presented and must be rectified to enable proper consideration of the proposals to be made. It is a vital requirement that the amenity of the existing residents of Sowerby be fully considered in any assessment.</p>
12	Landscape mitigation	<p>Landscape mitigation should be advance planted to maximise screening. Significant consideration should be given to any phasing of aftercare and handover to ensure that the planting areas are managed effectively for the duration of the works i.e. until 2026. This will ensure that areas handed over at the end of each phase/aftercare period are duly managed to provide an ongoing effective screen. An effective vegetative screen will not be produced if the areas are not managed throughout the works and beyond.</p>
13	Landscape Management after phased handover/2026	<p>Who will be the handover body – Sowerby Parish Council / HDC / NYCC and what is the source of additional funding required to manage the significant areas of screening vegetation?</p>
14	Transport Assessment - other Significant Issues	<p>Overall the Transport Assessment as presented leaves many questions unanswered. Focus has been made on the new and the existing junctions however there are other serious issues that require to be addressed.</p> <ul style="list-style-type: none"> • Topcliffe Road between Townend and South Terrace is a narrow section taking account of parked cars and is not wide enough to cater for HGV's and barely wide enough for 2 cars to pass. This already presents a safety hazard to pedestrians with cars / lorries passing so close to the kerb line that there is a severe risk of injury on a daily basis. This is particularly the case at school opening and closing times. Significant improvements for pedestrians along this section of Topcliffe Rd are required to cater for the increased volume of traffic that will be generated by the new development. • The need of a by-pass linking A61 Station Rd to Topcliffe Rd south of the new development needs to be fully considered and modelled to show what impact such a by-pass would have. Should the modelling demonstrate significant improvement in the traffic flows in and around Thirsk and Sowerby then the provision of a bypass should become an essential component of the development and one that has to be delivered and funded at an early stage. Measures should also be taken to ensure that should there be a change in developer during the duration of the Works, then the S106 liabilities are passed on accordingly. This is considered fundamental to achieving acceptable traffic flows at the Topcliffe Road/Station Road/Westgate Roundabout

Conclusion

Review of Mouchel's Traffic Flow Data





Friday AM 2011 Base vs 2026 Base + Dev

- 1 Traffic approaching Townend along Station Rd has increased significantly.
- 2 Westbound Traffic on Westgate has increased dramatically.
- 3 Traffic leaving Townend and heading down Topcliffe Rd has increased dramatically.
- 4 Traffic Flows out of Gravel Hole Lane have increased dramatically.
- 5 Traffic turning right into Gravel Hole Lane from Topcliffe has increased significantly.
- 6 Traffic turning right into Kirkgate from the market Place has reduced to Zero.
- 7 Traffic travelling North along Long St has reduced significantly.

Friday PM 2011 Base vs 2026 Base + Dev

- 1 Traffic Flows out of Gravel Hole Lane have increased dramatically.
- 2 Traffic turning right into Kirkgate has reduced significantly.
- 3 Westbound Traffic on Westgate has changed with much less traffic turning right onto Station Rd and much more traffic turning left onto Topcliffe Rd.
- 4 There has been a very significant decrease in traffic arriving at Townend from Station Rd.
- 5 Traffic travelling North along Long St has reduced significantly.

The A61 Stockton Rd/Long St/Stammergate junction has been identified in the Transport Assessment as being critically affected however the traffic figures do not appear to support this. Why has the Gravel Hole Lane not been identified as a critical junction since the figures imply that this will be significantly impacted and present a rat run scenario.

It is difficult to understand the changed pattern of the traffic flows with areas where increases would have been expected actually reducing. Without further information and study this undermines any confidence in the outputs of the modelling exercise.

Mitigation measures i.e. widening of entry widths and alterations to white lining as identified in the Transport Assessment will not deal with gap times and access / egress from the existing adjacent junctions i.e. in particular at B1448 Topcliffe Road / A61 Station Road / B1448 Westgate Roundabout where the junctions with Sowerby Road, The Maltings, Mowbray Place / Victoria Avenue exist in close proximity to this roundabout to the south, and the junctions with Tesco garage (in and out), Newsham Road (also required for emergency fire access), Tesco / Lidl Roundabout and Stoneacre Ford (used for Tesco commercial goods access) are also in close proximity to the west. In addition traffic travelling east into the marketplace along Westgate often backs up through to at least the Newsham Road turning whilst vehicles slow down to negotiate the dog-leg approach to the busy marketplace and awaits traffic turning right into Chapel Street / turning right out of Chapel Street (where there is currently new development).

Conclusions

1. The planning application as it is currently submitted does not align with the latest proposals, specifically the proposed 4 way junction between the A168 and the B1448. This invalidates a large part of the current assessment and prohibits full and proper assessment of the proposal.
2. The proposed mitigation measures for the Topcliffe Road/ Station Road/Westgate junction are inadequate.
3. The proposals should investigate the positive impact that a new link between Topcliffe Road and Station road would have on the traffic generated by the proposed development.
4. The current traffic impact assessment raises a significant number of questions that undermine its accuracy. This has significant bearing on the validity of the existing noise and air quality assessments.
5. Modelling of the traffic flows must take account of the local peak periods which may well not align with the standard norm
6. The extent of mitigation requires to be clarified across a large number of issues such that full and proper consideration can be given to the submission.
7. The ES must deal more effectively with the impacts of the development on the existing conurbation and its residents, not merely address the needs of the residents of the new development.

Given that the overall impact of the development has been assessed as being negative it is considered that the proposed development should be refused in its current form. Historical precedence would dictate that the actual situation likely to develop from the development will be worse than that predicted by the assessment which is not acceptable.