

HAMBLETON DISTRICT COUNCIL

Report To: Planning Committee
19 July 2012

From: Director of Housing and Planning Services

Subject: CONSIDERATION OF THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF) IN RELATION TO UNDETERMINED APPLICATIONS

All Wards

1.0 PURPOSE AND BACKGROUND:

- 1.1 The National Planning Policy Framework (“NPPF”) was published on 27 March 2012. The NPPF constitutes new national planning policy and it cancelled a large number of earlier national planning documents. Prior to the publication of the NPPF the Council had resolved to grant planning permission for a number of developments but for various reasons, such as the need to negotiate planning obligations, the decision notices have not been issued and so planning permission not formally granted. There are 10 such applications ranging from small applications such as a change of use application from an office to a dental surgery, through to a mixed use scheme of 925 dwellings, employment, shops, restaurants and other matters at Sowerby Gateway. The issues raised on the various applications are therefore very wide-ranging.
- 1.2 It is a principle of planning law that the decision maker must take into account all material planning considerations in dealing with applications and the NPPF is an important material consideration. Legal advice is that before the decision notices are issued the Council must have regard to the NPPF; this means Planning Committee considering each application against the NPPF.
- 1.3 This report therefore considers whether any of the policy in the NPPF would be “material” to the decisions that Planning Committee previously reached on each of the applications. All interested parties, including Parish/Town Councils, neighbours and all statutory and other consultees have been re-consulted on the implications of the NPPF for each application.

2.0 DECISIONS SOUGHT:

- 2.1 To determine whether, in the light of the NPPF, each of the proposals in the attached annexes should still be granted planning permission in the same way.

3.0 ISSUES TO BE CONSIDERED:

- 3.1 The issue for the Committee to consider is the implications of the new policy advice in the NPPF and cancellation of previous Government guidance for the decision on each of the proposals.
- 3.2 Annexes A1 to A10 assess each of the 10 proposals. The previous national planning policy considerations from the original Committee report are reproduced, including which PPGs, PPSs, circulars etc were referred to and what the report said about their relevance to the application. Then there is a summary of whether the NPPF says anything material to the consideration of the application. This is followed by a summary of the outcome of consultations and conclusions on the implications for the decision; principally should the Council come to the same decision having considered the NPPF.

3.3 The NPPF should be read and applied as a whole but there are some key messages which permeate throughout the document. Foremost is the presumption in favour of sustainable development (para 14) which for decision-taking means, “approving development proposals that accord with the development plan without delay”, and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless the adverse impacts are unacceptable. Another important message is that decision-takers may continue to give full weight to their LDFs even if there is a limited degree of conflict with the NPPF until March 2013.

4.0 RECOMMENDATION:

4.1 That the resolution of granting planning permission subject to the same conditions/legal agreement be confirmed for each of the proposals as set out in Annex A to this report.

MICK JEWITT

Background papers:

- Planning application documents and reports to the Planning Committee on each of the 10 proposals identified in Annex A. The details of the planning applications, consultation responses and the report to Planning Committee on each of the proposals are available at www.hambleton.gov.uk
- The National Planning Policy Framework, CLG, March 2012
- Notification to contributors/consultees of proposal to consider the consistency with the NPPF sent 6 June 2012

Author ref:

MAJ

Contact:

Mick Jewitt
Director of Housing and Planning
Direct Line: 767053

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 10/02158/FUL
Address: Royal Oak House, Long Street, Easingwold
Proposal: Revised application for construction of a dwelling
Planning Committee Date: 03 March 2011

(The notation "P." relates to the paragraph number in the NPPF)

Original National Planning Policy Considerations

The Planning Committee report of 3rd March 2011 stated:

"5.8 PPS3 states that local planning authorities should have regard to 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. PPS3 has recently been amended by defining domestic gardens not as previously developed land therefore these amendments need consideration. Policy DP12 states that "brownfield" land should be used for development in preference to "greenfield" land, where possible. The applicant considers that the proposed dwelling will be sited on "brownfield" as the site was once used for parking for the public house. However, the Planning Authority disputes this as the public house and attached parking was changed to a dwellinghouse. Nevertheless, the site lies within the development limits of Easingwold and is therefore sited within a sustainable location. As previously discussed the necessary parking and amenity facilities have been provided. It is therefore considered that the site is sustainable for additional residential development complying with the policies set out within the Local Development Framework and PPS3."

Summary of reason for approval at 03 March 2011

"It is considered that the proposal complies with the policies within the Local Development Framework and is appropriate in terms of location, scale and design. It is also considered that the development will not have a harmful effect on the character the Conservation Area, nearby neighbours and highway safety."

NPPF Considerations

The NPPF has an objective to "boost significantly the supply of housing" and introduces the presumption in favour of sustainable development.

Much of the guidance in the NPPF in respect of design is a revision of earlier guidance in PPS1, PPS3 and other non-statutory guidance.

The NPPF states: P.53 “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.” The NPPF does not require new policy to be prepared or if found necessary for that policy to preclude all building in residential gardens. The Hambleton LDF already contains policy that enables the refusal of proposals where they do not achieve “the highest quality” (LDF Policy DP32) whilst the content of the NPPF is new in this respect it does not significantly change the policy advice to the Planning Committee about the suitability of the proposal.

Design advice is contained in the NPPF at P.56, 57, 61 and 64. This supports the policies contained in the LDF requiring a high standard of design that contributes to sustainability of development. The NPPF seeks design that is inclusive and relating to spaces as well as buildings, people as well as places and the natural, built and historic environment. These elements are contained within the LDF Policies (CP17, DP32, CP16 and DP28).

The NPPF policy on the Historic Environment is contained at P.126 to 141 particularly 128, 129 and 132.

Provision is made at P.203 and 204 for the use of a planning obligation where it meets the tests, set out in P.204.

Full weight can be given to the LDF policies in the terms set out in Annex 1: Implementation of the NPPF at P.214

Outcome of Consultations

P.53 - The NPPF is against building in back gardens. This application would cause harm and it should be strenuously resisted. Building in back gardens has not occurred in this part of Easingwold, with the exception of a bungalow built to the rear of 135 Long Street, years ago.

P.55 – the proposal is not of exceptional quality or innovative nature and is not beneficial to the Conservation Area and its immediate setting which it will not enhance.

P.56, P.61 and P.69– The application is not of good design. The proposal is shoehorned into a walled garden with narrow archway exit. The access to the site is inadequate; vehicles crossing the footway to access the site will be a hazard to pedestrians, including schoolchildren. The required parking and turning space will involve surfacing that land that currently provides natural drainage more environmentally acceptable than the proposal will be.

P.57 - The proposal is overdevelopment of the site and is not of a high quality of design, resulting in the loss of valuable ‘private space’ leaving tiny residual space for two existing dwellings, it will provide parking and turning and a loss of garden space. The proposed diminished garden area for the main Royal Oak House is disproportionate.

P.58 – The lack of sightlines as vehicles emerge from the site is not safe. The existing residents park on the frontage, so few comments have been made about accidents or incidents so far.

P.59 – The scheme would not be a high quality outcome.

P.60 – The proposal would not promote or reinforce local distinctiveness.

P.66 – The proposal will directly affect the community and it does not take into account the community's or residents' views, particularly about safety and also about garden grabbing. These are being ignored by the LPA.

P.131 – The proposal will not make a positive contribution to local character and distinctiveness

P.187 – The proposal will not improve the social and environmental conditions for the area.

Conclusions

Taking into account the specific policies in the NPPF on housing, design and the historic environment and the NPPF as a whole it is considered that the application is in accordance with the requirements of the NPPF.

It is considered that the previous resolution of the Planning Committee is consistent with the policy of the NPPF and that the proposal can be granted planning permission subject to planning conditions and a Planning Obligation in lieu of on site provision of Public Open Space, Sport and Recreation.

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 11/01129/FUL
Address: 62 Topcliffe Road, Sowerby
Proposal: Construction of a dwelling
Planning Committee Date: 21 July 2011

Original National Planning Policy Considerations

The Planning Committee report stated:

5.6 PPS3 states that local planning authorities should have regard to 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. PPS3 has been amended by defining domestic gardens not as previously developed land. Policy DP12 states that "brownfield" land should be used for development in preference to "greenfield" land, where possible. The proposed dwelling will be sited within the garden of No. 62 therefore the amendments to PPS3 and Policy DP12 need to be considered. The site lies within the development limits of Sowerby and is therefore sited within a sustainable location. The proposal will form a frontage property along the roadside which is characteristic of the area and the existing garden is a large size and more than adequate to accommodate a new dwelling with ample private amenity space for both dwellings. It is therefore considered that the site is sustainable for additional residential development complying with the policies set out within the Local Development Framework.

Summary of reason for approval at 21 July 2011

It is considered that the proposal complies with the policies within the Local Development Framework and is appropriate in terms of location, scale and design. It is also considered that the development will not have a harmful effect on the surroundings, or any nearby neighbours.

NPPF Considerations

The NPPF has an objective to "boost significantly the supply of housing" and introduces the presumption in favour of sustainable development.

Much of the guidance in the NPPF in respect of design is revised from earlier guidance in PPS1, PPS3 and other non-statutory guidance.

The NPPF states: P.53 "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for

example where development would cause harm to the local area. The NPPF does not require new policy to be prepared or if found necessary for that policy to preclude all building in residential gardens. The Hambleton LDF already contains policy that enables the refusal of proposals where they do not achieve “the highest quality” (LDF Policy DP32) whilst the content of the NPPF is new in this respect it does not significantly change the policy advice to the Planning Committee about the suitability of the proposal.

Provision is made at P.203 and 204 for the use of a planning obligation where it meets the tests, set out in P.204.

Full weight can be given to the LDF policies in the terms set out in Annex 1:
Implementation of the NPPF at P.214

Outcome of Consultations

No representations received

Conclusions

Taking into account the specific policies in the NPPF on housing and design and the NPPF as a whole it is considered that the application is in accordance with the requirements of the NPPF.

It is considered that the previous resolution of the Planning Committee is consistent with the policy of the NPPF and that the proposal can be granted planning permission subject to planning conditions and a Planning Obligation in lieu of on site provision of Public Open Space, Sport and Recreation.

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 08/02840/OUT
Address: Land Off Mount Pleasant Way,
Stokesley
Proposal: Outline application for extension to existing business
park
Planning Committee Date: 18 August 2011

This application will need to be considered again by the Planning Committee when further consultation responses are received regarding Flood Risk and the implications of the NPPF in relation to this application will be considered at a later date via a separate report to the Planning Committee.

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 11/00813/FUL
Address: Crosslands, Seamer
Proposal: Revised application for a change of use from egg production and packaging plant to a holiday park comprising alterations to existing farm building to form offices/ restaurant, construction of a leisure facility, car parking and landscaping and the change of use of agricultural land for the siting of 100 caravans
Planning Committee Date: 13th October 2011

Original National Planning Policy Considerations

The Planning Committee report of 13th October 2011 stated:

“The relevant National...Planning Policies are as follows: -

National – Planning Policy Statements / Guidance

PPS4 – Planning for Sustainable Economic Growth 2009
PPS7 - Sustainable Development in Rural Areas 2004
PPG13 - Transport (3rd edition 2001).
PPS23 - Planning and Pollution Control 2004
PPS25 - Development and Flood Risk 2010
Good Practice Guide on Planning for Tourism - May 2006

- 6.31 Paragraph EC7.1 of Planning Policy Statement 4: Planning for Sustainable Economic Growth advises local planning authorities to 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, its towns, villages, buildings and other features.
- 6.32 PPS4 also advises Local Planning Authorities to ‘wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use.’
- 6.33 The proposed holiday park is of substantial size and its inclusion within or adjacent to the development limits would be likely to cause conflict with established land-uses. Furthermore, experience suggests that visitors demand a ‘countryside location’ for the tourism model proposal. In certain circumstances, a site closer to a sustainable settlement is likely to compromise viability.

- 6.34 Various elements of the site contain significant ranges of utilitarian commercial 'factory farming' buildings. The proposals represent a positive opportunity to secure significant visual, landscape and environmental benefits via removal of poor quality and visually obtrusive buildings.
- 6.35 The proposed development incorporates the conversion a range of existing brick-farm buildings. This approach is advocated by both PPS4 and CP4, as outlined above. It is considered good sustainable practice to refurbish existing building stock.
- 6.36 This approach to re-use existing buildings is also supported by Policy CP15 which sets out a strategic approach to rural regeneration and encourages a range of development and activities, including: re-use or replacement of suitable rural buildings for employment generating uses and appropriate tourism related initiatives.
- 6.40 Policy DP31 of the Hambleton LDF states that "Permission will not be granted for development which will cause significant harm to sites and habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat."
- 6.41 This stance is supported by paragraph 16 of PPS9: Biodiversity and Geological Conservation, which states that "Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."
- 6.42 The submitted 'Desktop Ecological Study' concludes that there are no records of specifically protected species occurring on the site. However, there may be transitory use of fields and gardens around the site by Slow Worm and Bat species. Nesting by birds in hedges on the edge of the site and inside some of the wooden sheds may also occur.
- 6.43 On the basis of the initial Desktop Ecological Study the site currently has a low ecological significance.
- 6.44 Both Natural England and the Yorkshire Wildlife Trust have been consulted on the application and both organisations are satisfied with findings of the submitted 'Desktop Ecological Surveys' subject to certain mitigation and habitat enhancement works.
- 6.54 Part of the application site lies within Flood Zone 2 defined by Planning Policy Statement 25 as having a medium probability of flooding. Paragraph D5 of PPS25 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'.
- 6.55 All of the proposed chalets are now located within Flood Zone 1. As a consequence, the Environment Agency has raised no objections subject to standard conditions.
- 6.59 It is considered that the local road network is capable of accommodating the traffic likely to be generated by the proposal. Movement to and from the site is likely to be car dominated, however the 'Good Practice Guide on Planning for Tourism' states that 'there will be some occasions where it will be difficult

to meet the objective of access by sustainable modes of transport. The choice of location may have been determined by functional need.

- 6.60 Developers and planners may find that in such cases there will be limited opportunities to make the development accessible by sustainable modes of transport or to reduce the number of proportion of visits made by car. For small schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments'. The proposed holiday park is therefore considered to be acceptable in this respect.

Summary of reason for approval at 13th October 2011:

"Subject to the signing of a s.106 agreement to secure those matters outlined above, the scale and design of the proposed development is considered to satisfactorily relate to its surroundings with limited impact on the character and appearance of the countryside. The proposed holiday park will result in a sustainable development with limited effects on ecology, neighbouring occupiers or highway safety. Consequently, the application is considered to comply with the above policies."

NPPF Considerations

Paragraphs 18 to 22 of the NPPF explain the Government's commitment to securing economic growth in order to create jobs and prosperity and meeting the twin challenges of global competition and of a low carbon future. The Government wants to ensure that the planning system does everything it can to support this objective.

The proposed development responds to this objective by creating a new source of employment for the District. Derived economic benefits to existing local businesses and highway improvements will also be realised.

Paragraphs 23 to 27 of the NPPF require local planning authorities to promote competitive town centre environments and recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

The proposed development incorporates approximately 1,600 sqm of new leisure floorspace. Use of these facilities will be restricted to the occupiers of the holiday caravans and therefore a formal impact assessment is not required.

Paragraph 28 of the NPPF requires planning policies to support economic growth in rural areas. Support should be given to sustainable rural tourism and developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. As previously identified, the proposed development will result in the creation of new jobs and derived economic benefits to local businesses.

Paragraph 28 goes on to state that "This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres."

The proposed holiday park is of substantial size and its inclusion within or adjacent to the development limits would be likely to cause conflict with established land-uses.

Furthermore, experience suggests that visitors demand a 'countryside location' for the tourism model proposed.

Paragraphs 29 to 41 of the NPPF are concerned with the promotion of sustainable transport. Paragraph 29 states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel." However, Section 4 also recognises that different policies and measures will be required in different communities.

Paragraph 32 requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment (TA). A TA has been submitted in support of the application. The TA concludes that there are no obstacles to delivering a scheme from a highway safety perspective. The Local Highway Authority agrees with these conclusions.

Paragraph 35 relates to detailed highways design considerations. A number of changes have been made to the proposed site layout in an effort to reduce the propensity for the car to be used for journeys between the various elements of the site. The Local Highway Authority is satisfied with the proposed amendments.

Paragraph 36 requires that all developments which generate significant amounts of traffic should be required to provide a Travel Plan. A Travel Plan has been prepared in accordance with this guideline and agreed by the Local Highway Authority.

Design advice is contained in the NPPF at paragraphs 56, 57, 61 and 64. This supports the policies contained in the LDF requiring a high standard of design that contributes to sustainability of development. The NPPF seeks design that is inclusive and relating to spaces as well as buildings, people as well as places and the natural, built and historic environment. These elements are contained within the LDF Policies (CP17, DP32, CP16 and DP28).

Much of the guidance in the NPPF in respect of design is a revision of earlier guidance in PPS1, PPS3 and other non-statutory guidance.

The design concept of the proposed development is generally acceptable and represents a relatively good standard in terms of external appearance. The siting and design of the buildings have been selected in order to appropriately accommodate the building in the context of the site's characteristics. An adequate landscape buffer has been retained between the proposed buildings and the surrounding agricultural land.

Paragraphs 93 to 105 explain how local planning authorities are expected to respond to the challenge of climate change and flooding. A Flood Risk Assessment, submitted with the application, addresses these matters.

Paragraph 101 of the NPPF confirms that the development should be directed to areas with the lowest probability of flooding. All of the proposed chalets are located within Flood Zone 1 and, as a consequence, the Environment Agency has raised no objections subject to standard conditions.

Paragraphs 109 to 125 are concerned with the conservation and protection of the natural environment. Specifically, paragraph 118 relates to ecology and biodiversity considerations when determining planning applications. A 'Desktop Ecological Study' concludes that the site has a low ecological significance. Furthermore, the proposed demolition work is likely to have a low ecological impact. The construction

of new lakes and landscaping of the site is likely to vastly enhance the structural and vegetative diversity of the site.

Outcome of Consultations

NYCC Highways

No additional comments to make in light of the National Planning Policy Framework.

Environment Agency

Made no comments concerning the NPPF. Reiterated no objections subject to conditions.

Northumbrian Water

Confirmed no additional comments.

Natural England

Made general comments in relation to Natural England's standing advice for local planning authorities but made no specific comments in relation to the NPPF.

Yorkshire Wildlife Trust

YWT made the following comments:

Section 109 of the NPPF discusses the enhancement of the natural and local environment by "*minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*".

In this regard, we welcome the proposals in the ecological surveys document to create high density landscape planting around each of the development sites to form new wildlife corridors and enhance those which already occur. We also welcome the connection across the site for bats through the re-use of existing access tracks and the retention of field boundaries.

We approve of the incorporation of facilities for protected and notable species into the scheme at the design stage to provide ecological enhancements to the site. We emphasise that the proposed construction of new lakes and landscaping of the site must be related to the surrounding environment in terms of structural and vegetative diversity. Only if the proposed ecological enhancements are related to the wider regional environment can the establishment of coherent ecological networks that are resilient to development and climate pressures be realised.

In this regard, we would repeat the importance of a management plan for the site once the development is complete, so that the site is continually positively managed for wildlife. This is particularly important considering the nature of the development featuring 100 caravans, some of which may be relocated within the site over time.

Publicity

Following publicity of the NPPF and its relevance to the determination of this application no representations were received from local people.

Conclusions

Taking into account the specific policies in the NPPF on economic growth; sustainable transport; design; ecology and flood risk, and the NPPF as a whole, it is considered that the application is in accordance with the requirements of the NPPF.

It is considered that the previous resolution of the Planning Committee is consistent with the policy of the NPPF and that the proposal can be granted planning permission subject to the signing of a s.106 agreement to secure sustainable transport solutions.

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 10/02373/OUT
Address: Land Off Topcliffe Road And Gravel Hole Lane,
Sowerby
Proposal: 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
Planning Committee Date: 08 December 2011

Original National Planning Policy Considerations

The Planning Committee report of 8th December 2011 contained a commentary on how the proposed development responded to National Planning Policy requirements. The original text has been copied below, with the original paragraph numbers repeated for ease of reference. The original text concerning local planning policy considerations has not been repeated.

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

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.”

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.

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.”

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.”

7.56 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.

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.
- 7.65 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.

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.
- 7.77 ...the applicants have submitted on 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.

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.
- 7.102 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

- 7.112 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.

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.
- 7.119 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.
- 7.144 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.
- 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.

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.

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.'

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.

7.181 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 (the relevant paragraphs are copied in full below).

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.

Summary of reason for approval at 8th December 2011:

"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.

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."

NPPF Considerations

Paragraph 11 of the NPPF confirms that "planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."

The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

In this regard the “Local Plan” is the Hambleton Local Development Framework (LDF), which is currently made up of the following documents:

- Core Strategy DPD
- Development Policies DPD (with Proposals Map)
- Allocations DPD (with Proposals Map)
- Various Supplementary Planning Documents

The Yorkshire and Humber Regional Spatial Strategy (RSS) currently remains part of the “Development Plan” despite the Government’s expressed intention to abolish RSS.

The original Planning Committee Report contains an assessment of the proposed development against local planning policies and this assessment remains unchanged due to the relatively recent adoption of key documents, most notably the Allocations DPD.

As identified within the covering report, the NPPF is “material” to the decision making process and therefore each section of the NPPF is considered in turn:

1. Building a strong, competitive economy

Paragraphs 18 to 22 of the NPPF explain the Government’s commitment to securing economic growth in order to create jobs and prosperity and meeting the twin challenges of global competition and of a low carbon future. The Government wants to ensure that the planning system does everything it can to support this objective.

The proposed development responds to this objective by providing a range of employment floorspace for local businesses. The proposed masterplan sets out a clear strategy for the location and delivery of new employment floorspace in accordance with the objectives of the Allocations DPD.

2. Ensuring the vitality of town centres

Paragraphs 23 to 27 of the NPPF require local planning authorities to promote competitive town centre environments and recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

In this regard, a sequential assessment was submitted in support of the application. This concluded that the proposed hotel and public house could not be located on a site closer to Thirsk Town Centre within the short to medium term.

3. Supporting a prosperous rural economy

Paragraph 28 of the NPPF requires planning policies to support economic growth in rural areas. The proposed development will result in the creation of new jobs, homes and services within a rural market town but the proposal is not directly linked to the wider objectives of Section 3 which supports rural tourism, leisure developments and rural enterprise.

4. Promoting sustainable transport

Paragraphs 29 to 41 of the NPPF are concerned with the promotion of sustainable transport. Paragraph 29 states that “the transport system needs to be balanced in

favour of sustainable transport modes, giving people a real choice about how they travel.” However, Section 4 also recognises that different policies and measures will be required in different communities.

Paragraph 32 requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment (TA). A TA has been submitted in support of the application. The TA concludes that there are no obstacles to delivering a scheme from a highway safety perspective. The Local Highway Authority agrees with these conclusions.

Paragraph 35 relates to detailed highways design considerations. The masterplan shows a series of routes aimed at providing a high quality environment within which to walk and cycle and not be dependant on the private motor vehicle.

Paragraph 36 requires that all developments which generate significant amounts of traffic should be required to provide a Travel Plan. A Travel Plan has been prepared in accordance with this guideline and agreed by the Local Highway Authority and the Highways Agency.

Paragraph 38 promotes a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties. The proposed development is considered to comply with the NPPF in this respect.

5. Supporting high quality communications infrastructure

Paragraphs 42 to 46 of the NPPF require the delivery of high quality communications infrastructure including high speed broadband technology. Local planning authorities should support the expansion of electronic communications networks. The proposed development is not in conflict with this objective and support will continue to be given for the delivery of this essential infrastructure.

6. Delivering a wide choice of high quality homes

Paragraphs 47 to 55 of the NPPF relate to the Government’s commitment to deliver a wide choice of high quality homes. A key objective of the NPPF is to “boost significantly the supply of housing” and introduces a presumption in favour of sustainable development.

Paragraph 50 sets out what local planning authorities should do to deliver housing:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced

communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

The first phase of housing delivers a strong mix of house types, along with the provision of 40% affordable housing. All future phases will include 40% affordable housing.

7. Requiring good design

Design advice is contained in the NPPF at paragraphs 56, 57, 61 and 64. This supports the policies contained in the LDF requiring a high standard of design that contributes to sustainability of development. The NPPF seeks design that is inclusive and relating to spaces as well as buildings, people as well as places and the natural, built and historic environment. These elements are contained within the LDF Policies (CP17, DP32, CP16 and DP28).

Much of the guidance in the NPPF in respect of design is a revision of earlier guidance in PPS1, PPS3 and other non-statutory guidance.

Paragraph 62 of the NPPF promotes local design review arrangements and the application has been the subject of detailed discussions about design and has been presented to and endorsed by the Regional Design Panel.

Paragraph 66 of the NPPF relates to public consultation. The proposal has been subject to extensive public consultation prior to the submission of the application. A Statement of Community Involvement has been prepared in support of the application and sets out the feedback from local residents and the changes that have been made to the Masterplan.

8. Promoting healthy communities

Paragraph 69 states that “the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with the communities of the residential environment and facilities they wish to see.”

As identified within the original Planning Committee Report, detailed consultation has taken place with the local community at throughout the application process and at each stage of the production of the Allocations DPD.

The proposed mixed use development seeks to deliver a range of retail and associated service uses within a neighbourhood centre along with community facilities and areas of public open space including playing pitches and allotments, in accordance with the demands of paragraph 70 of the NPPF.

Paragraph 72 identifies that the Government places great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

The masterplan shows a new seven classroom primary school adjacent to the new neighbourhood centre and the existing secondary school. The new primary school would be provided by the Developer. The Local Education Authority has confirmed that no financial contribution towards secondary school provision is currently required.

9. Protecting Green Belt land

Paragraphs 79 to 92 identify the Government's approach to protecting the "Green Belt". Whilst the application site is a "greenfield" it is not located within a designated "Green Belt".

10. Meeting the challenge of climate change, flooding and coastal change

Paragraphs 93 to 108 explain how local planning authorities are expected to respond to the challenge of climate change, flooding and coastal change. A Flood Risk and Drainage Assessment, submitted with the application, addresses these matters. The application is also accompanied by a Sustainability Appraisal and the residential element of the scheme will be constructed to Code for Sustainable Homes – Level 4.

Paragraph 101 of the NPPF confirms that the development should be directed to areas with the lowest probability of flooding. The Flood Risk Assessment confirms that the site has a low probability of flooding and will not increase flooding elsewhere as a result of the proposals.

11. Conserving and enhancing the natural environment

Paragraphs 109 to 125 are concerned with the conservation and protection of the natural environment.

Paragraph 111 encourages the effective re-use of brownfield land. However, as previously identified, the quantum of brownfield land available within Thirsk & Sowerby is insufficient to satisfy the requirements of the site allocation and, consequently, the development of agricultural land is unavoidable.

Paragraph 112 states that "where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality." The Agricultural Land Quality Report submitted with the application confirms that the application site is of lower quality in comparison to other potential locations around Thirsk and therefore "loss of agricultural land" cannot be upheld as a reason for refusal.

Paragraph 118 relates to ecology and biodiversity considerations when determining planning applications. A Phase 1 Habitat Survey and Protected Fauna Survey has been undertaken to support the application proposal and advises that the development will contribute to increasing biodiversity opportunity given the land has in the past been intensively farmed. A Geo-Environmental Report has been prepared in support of the application submission and confirms that the site is clear of contamination.

12. Conserving and enhancing the historic environment

The NPPF policy on the Historic Environment is contained at paragraphs 126 to 141.

Paragraph 128 states that "...where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

To this end, an archaeological desk-based assessment was submitted with the application. 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 disproportionate 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.

Paragraph 131 of the NPPF states that “in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.”

The Cultural Heritage Section of the Environmental Statement concludes that one listed building (a Grade II listed milepost) has been identified in close proximity to the site and that no other “Heritage Assets” will be affected by the proposal.

13. Facilitating the sustainable use of minerals.

Section 13 of the NPPF identifies that minerals are essential to support sustainable economic growth and our quality of life. However, this section is not directly applicable to the determination of this application.

Outcome of Consultations

Sowerby Parish Council

Confirmed no comments or observations in connection with the introduction of the NPPF.

Carlton Miniott Parish Council

The Parish Council did not comment on the introduction of the NPPF but did express concern about the scale of the development, traffic problems and the impact on infrastructure and local services.

NYCC – Highways

Confirmed no additional comments to make in light of the National Planning Policy Framework.

NYCC – Development Management Archaeologist

Recommends that a pre-commencement condition is imposed in order to secure the implementation of scheme of archaeological recording, in accordance with the requirements of the NPPF.

Natural England

Confirmed that the advice previously given in relation to the application is consistent with the NPPF and therefore did not have any additional comments to make.

Police Architectural Liaison Officer

There are 11 rear courtyards or remote parking areas in Phase 1 (residential). Previously highlighted that such areas draw an increase in car crime and asked that such parking areas be reduced, which it appears they have not.

Recommendation 1 - again request that NPPF be considered and reflected in reducing these parking areas.

Recommendation 2 - that where there is rear courtyard parking to allow the owners of vehicles to be able to see their vehicles with 1.8m high rear fencing that the rear wall be of brick and railings to assist surveillance from ground floor rooms. If residents then require some privacy into their rear gardens they have the option of growing plants up the railings. The choice is theirs.

Recommendation 3 - that all housing attain Secured By Design certification Part 2.

Recommendation 4 - that all industrial units seek and obtain Secured By Design certification.

Recommendation 5 - that a security fence be erected around the whole of the industrial site, and have one entrance in and out of the complex. The fencing would protect the units and parked cars.

Environment Agency

No objections subject to conditions.

Yorkshire Water

Recommendations remain unchanged from original comments.

Internal Drainage Board

Did not make any comments on the introduction of the NPPF.

Network Rail

No further comments to make on the above application other than those returned in response to the original application which still apply.

Publicity

Following publicity of the NPPF and its relevance to the determination of this application, 16 representations were received from local people and have been

summarised as follows (only those comments made in relation to the NPPF have been summarised):-

- 1) It is impossible to absorb all the changes and their effects on the above application within the time scale imposed of 21 days from 6th June 2012. More time is needed when considering the need to peruse to Localism Bill 2012, which is mentioned numerous times within the NPPF (and runs to 400+ pages) and many other documents within the Appendix of the NPPF.
- 2) It's a bit rich asking members of the public to "consider (if) the NPPF has relevance to this application". As with many matters these days, it appears that members of the public are expected to become experts in highly technical matters in order to protect their interests - in this case, on planning policy and application! What would be more appropriate would be for the Council's own experts, for whom we pay, to make their own assessment and publish their results for consideration by members of the public. Am I to understand that, unless I and/or others affected tell you of any aspects on which the Application Reference: 10/02373/OUT does not comply with the NPPF, then you will proceed on the basis that the application concerned complies fully? If so, then I would regard that as a dereliction of the Council's duty of care to its constituency.
- 3) Surely in the first instance you as our LPA should be explaining to us what it means in relation to Sowerby Gateway, not the other way round i.e. us giving you our views, after all your Council has decided to grant consent in principle virtually ignoring the local viewpoint. We need from Hambleton a view as to what relevance you believe the NPPF has on the application and what the community benefits if any will be in allowing Sowerby Gateway to go ahead in accordance with the NPPF. The community can then give proper consideration to the application as offered by the NPPF and whether any benefits actually exist.
- 4) Local people have not been empowered to shape their surroundings, which is a key feature of the NPPF.
- 5) A fundamental aim of the Government, via Section 9 of the NPPF, is to protect Green Belt Land from urban sprawl, which the Sowerby Gateway development will contravene. The planning application identifies the development site to be primarily of agricultural land, regardless of its grading, which the NPPF categorizes as Green Belt Land. The NPPF specifically states that; "As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." And; "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."
- 6) The NPPF identifies that planning policies and decisions should encourage re-using Brownfield land and consider setting locally appropriate targets for doing so. There is no evidence to support exploration to any sufficient extent of Brownfield land within this application.
- 7) Heritage Assets and Historic Environments are defined within the NPPF and must be bear heavily on the application and decision process, but there is no evidence these have been considered. Allowing the development to proceed will expand Sowerby beyond the scale of what could reasonably be described as a

village and will effectively destroy its heritage forever. There are no “very special circumstances” to justify approval of the development or its intrusive imposition on Sowerby.

- 8) It does not meet housing need over the planned period.
- 9) The NPPF describes 'sustainable development' as having three dimensions, namely economic, social and environmental. The NPPF, in describing the Environmental Dimension says that within this, 'to minimise waste and pollution and mitigate and adapt to climate change, including moving to a low carbon economy' as yet the Sowerby Gateway proposals do not fully embrace this Environmental Role. i.e. surface and waste water capture and recycling, waste incineration for domestic and commercial heating, every property self reliant on energy needs through a combination of solar panels and ground source energy. If these important features are not embodied in the Sowerby Gateway proposals then the plans as envisaged fail to meet a fundamental section of the NPPF.
- 10) Ensuring the vitality of town centres - the NPPF states, “... to recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.” The proposed development includes provision for shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and hotel which could lead to the creation of a secondary 'centre' detrimental and in direct competition to the future viability and vitality of the Market Place rather than supporting and encouraging the local economy.
- 11) Promoting sustainable transport - the NPPF states “...Local authorities should seek to improve the quality of parking in town centres...” How can this be achieved and where will the additional spaces be created? The existing road infrastructure, in particular Town End, Topcliffe Road, Gravel Hole Lane and Blakey Lane, seems unable to meet and handle the significant transport movement generated by a development of this size. This appears contrary to ... “encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.”
- 12) Promoting healthy communities - “Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see...aim to involve all sections of the community in the development of local plans and in planning decisions.” Having attended local meetings and followed proceedings in the local press and publications it would appear a 'shared vision' has not been created and local views whilst heard have been largely ignored.
- 13) Ministerial foreword 'Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.' – How is sacrificing good quality agricultural land to satisfy short term and arbitrary housing and commercial needs?
- 14) Delivering a choice of High quality homes - the NPPF suggests that HDC 'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.' It would seem that a review and update is overdue and the current proposal would not seem to support 'choice and

competition for land', being a single site with competition effectively stymied for many years to come.

- 15) Promoting Healthy Communities - Although the proposal appears to address most of this, it is not clear whether the facilities are guaranteed to be provided and at what cost to the HDC residents going forward. Although land will be set aside, budget restrictions may prevent these facilities from being created, putting more pressure on local services.
- 16) The Council has not adequately defined the town centre in such a way as to protect the business of the market centre from the creation of an out of town alternative town centre, which is both included in the actual proposals and the likely extension of it is implicit in the proposals in the Sowerby gateway scheme. This must be reviewed to meet the expectations of the NPPF. The default threshold for a shopping complex this close to the town centre is 2,500 sqm and not the up to 5000 sqm you are minded to approve and for which you have inadequate justification to go beyond that 2500 sqm level.
- 17) This Council is required by the NPPF to carry out an impact assessment of local planning policy in determining to permit what residents view as an unnecessarily large development that will overwhelm the existing community, being equal in size to it as it is at present. This equally requires a reassessment of the need to provide the level of housing you have arrived at that was imposed by the constraints of the previous Government and its Regional Spatial Strategy approach i.e. top down imposition of requirements. This Government quite clearly rejects that approach and so should the Council.
- 18) The NPPF expects plans to promote healthy living. How does this excessive concentration of housing with the knock-on traffic problems do this? Even the layout of the development is more unsafe than in the previous proposals, in that instead of cul-de-sacs that provide some defensive measure, it is a circulatory system making it easier for potentially hostile persons to observe and escape the estate.
- 19) The numbers of houses, especially the affordable houses seem to have been determined using evidence provided by an agency that has cross-border responsibilities and this evidence has not been made available for public scrutiny to ensure that we are not being expected to help meet the needs of neighbouring authorities. If that is the case the NPPF expects that there will be an agreement made with these parties and there is no evidence of such agreement.
- 20) This should also fit in with suitable neighbourhood plans, and we see little progress on this front though they have been well flagged up and are expected to contribute in the future to the overall NPPF as applied to this District.
- 21) The Ministerial foreword is interesting and sustainability is absolutely fine but it should not mean worse lives for the existing villagers in the context of this development. The Council has not tested this likelihood i.e. as it stands Sowerby will be a building site for 15 years, a whole generation will therefore suffer the consequences of the Council's decisions and without any agreement with the community, all totally contrary to the promises within the NPPF and the Minister's desire "to put unprecedented power in the hands of the community to shape the places in which they live".

- 22) The Minister also talks about planning being a collective enterprise allowing people and communities back into planning. This now provides your Council with an exciting platform to properly engage with residents who have taken the time and trouble in the past to offer some very fair, reasonable and positive comments on Sowerby Gateway (not just objections) which have been largely ignored.
- 23) Para 1 - There is a wish for local people to produce their own plan. Sowerby Gateway bears no resemblance to the desires of the local population.
- 24) Para 10 - The plan should take into account local circumstances. This has not been done as the proposed development swamps the existing village of Sowerby.
- 25) Para 16 - This talks about the necessity of involving the local neighbourhood. In this instance the communication at the early stages of this proposed development was so poor as to completely disenfranchise the local community. This is against the wishes of the new policy and should be addressed before any plan is given the go-ahead.
- 26) Para 17 - It is hoped the new policy will "empower local people to shape their community". No one who lives here would feel this wish of the new policy has been adhered to. "Take account of the different roles and characters of different areas recognising the intrinsic beauty of the countryside". The proposed development completely disregards this. It will produce a new town of some 975 houses in a rural area and adjacent to the historic market town of Thirsk.
- 27) Page 12. "Allocations of land should prefer land of lesser environmental value". I understand Sowerby Gateway will be built on first rate agricultural land. The need for food production in this country is recognised as being as important as the need for housing.
- 28) Para 34 - This talks of the need to site developments where the need to travel will be minimised and the use of sustainable methods of transport maximised. - Has the planning committee looked at how few trains stop at Thirsk Station? Have they considered that when travelling from London as many business people do they are often faced with an hour's wait at York?
- 29) Para 55 - To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural area. Sowerby Gateway does not conform to this. It will transform Sowerby into an urban area by placing 975 houses together on one site. There will be less development in rural villages where there might be a need. Development in the villages would be more sustainable and much more acceptable to the local community.
- 30) Para 58 - It should respond to local character. Sowerby Gateway cannot possibly succeed in doing this as it involves the construction of 975 houses on a Green Field Site in a rural area. Similarly the aspirations to link new development into the existing community and landscape fail.
- 31) Page 22 - Has this scheme been subject to a national design review as is suggested?
- 32) Para 72 - The Government is concerned about the provision of school places. This is an issue which has been raised about this proposal. It seems that it is felt

the secondary school can cope. This is not the view of local people who use this school.

- 33) Para 79 - Green Belt land prevents urban sprawl. This is exactly what we are being subjected to: sprawl onto a green field site and the extension of Sowerby into the countryside.
- 34) Para 112 - This talks of the sort of land that should be given priority. This development is using prime agricultural land and therefore the site fails on this point.
- 35) Para 155 - This has been completely ignored and is a reason why the majority of the community are so antagonistic towards this scheme.
- 36) Para 32 - "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment". Sowerby Gateway definitely falls into this category and the highways issues have never been explained properly to the Community. A promise was made at one of the Parish Council events that a highways specific meeting would be arranged; this never happened so this needs rectifying in accordance with NPPF requirements. Also eligibility for claims under Part 1 of the 1973 Land Compensation Act has never been explained to residents on Topcliffe Road and roads leading off it. This might not be a responsibility for the LPA but previous comments have been made on this issue and some liaison with the highways authorities is essential.
- 37) There has been no professional highway or transport related discussion with villagers which is surprising given the likely infrastructure costs.
- 38) Para 47 - Allocating so many houses in one area of the District will stifle choice and competition in the market for years to come. Such a high volume of properties has never been justified and can never be delivered in the plan period and should not be used to justify social housing needs, details of and demands for which have never been issued or adequately proven by the Council or housing providers. Everyone deserves good housing but being secretive about the potential numbers involved has not helped. The public money spent on Sowerby Gateway to date on property speculation by Broadacres would have enabled sufficient second hand units of which there are plenty, to have been purchased, modernised and offered to tenants by now.
- 39) Para 62 - Has this scheme been referred?
- 40) Para 66 - This has not taken place-community involvement is now essential.
- 41) Para 123 - Noise from the development in the form of construction traffic and increased use of Topcliffe Road needs addressing. Extra traffic noise will be permanent hence the need to explain mitigation proposals, rights under the LCA 1973, and also the Noise Regulation legislation controlled by the Council, and the opportunities for existing dwellings to have noise insulation and double glazing installed.
- 42) Para 155 - This engagement never really happened before and irrespective of the Council's views, that is the Community's perception so we now look forward to some proper engagement and collaboration

- 43) Para 159 - We do not believe this has been done accurately-now is the opportunity. It shouldn't be done to increase council tax revenues.
- 44) Para 160 - This has not been done properly. Engagement is required with adjacent Authorities, local agents, developers and businesses, and account of the large volume of existing nearby estates and business parks all with empty sites and buildings has been ignored. B1, B2 and B8 units should not be built just to increase empty business rates revenues and just because one or two end users have expressed interest in a shed, Please look at Dalton and Melmerby just down the road and they are just two examples of nearby opportunities for industry.
- 45) Para 161 - what is the need during the plan period bearing in mind the above?
- 46) Para 162 - Has this been done in full liaison with the community?
- 47) Para 175- Community Infrastructure levy- what are the implications in comparison with the existing developer contributions and what does the community get out of it?
- 48) Para 182 - The local plan, only quite recently approved perhaps is not sound any more when considered in the light of these areas. Can it be justified now? It cannot be delivered over the plan period, given the likely length of the economic recession e.g. Sowerby and Thirsk combined has only delivered around 3/400 residential units in the last ten years so Sowerby Gateway is hardly likely to deliver 900 plus in the next ten or so?

Conclusions

In light of the above, it is considered that the previous resolution of the Planning Committee is consistent with the policy of the NPPF and that the proposal can be granted planning permission subject to planning conditions and a planning obligation in lieu of on site provision of affordable housing, sustainable transport measures, community facilities, education, public open space, sport and recreation facilities, phasing and public art.

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 11/01435/FUL
Address: Land at Topcliffe Road Junction (A168 & B1448),
Topcliffe
Proposal: Formation of an improved junction of the A168 (T) and
B1448 to permit northbound and southbound
movements
Planning Committee Date: 08 December 2011

Original National Planning Policy Considerations

The Planning Committee report of 8th December 2011 stated:

“The relevant National...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

- 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.
- 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.
- 5.34 With the implementation of native wildlife friendly planting, the incorporation of bat and bird boxes and the creation of 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.
- 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.
- 5.41 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 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.'
- 5.42 An Air Quality Assessment Report, produced by WSP, has been submitted with the application.
- 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.
- 5.47 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.

Summary of reason for approval at 8th December 2011:

“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.”

NPPF Considerations

Paragraphs 18 to 22 of the NPPF explain the Government's commitment to securing economic growth in order to create jobs and prosperity and meeting the twin challenges of global competition and of a low carbon future. The Government wants to ensure that the planning system does everything it can to support this objective. The proposed development responds to this objective by facilitating the delivery of Allocation TM2.

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.

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.

Paragraphs 29 to 41 of the NPPF are concerned with the promotion of sustainable transport. Paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.”

Paragraph 32 requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment (TA). Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A TA, 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.

The Highways Agency is currently considering the applicants proposal under the departures procedure and has indicated that a final decision is likely within the next few months.

Paragraph 35 relates to detailed highways design considerations. 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.

Design advice is contained in the NPPF at paragraphs 56, 57, 61 and 64. This supports the policies contained in the LDF requiring a high standard of design that contributes to sustainability of development. The NPPF seeks design that is inclusive and relating to spaces as well as buildings, people as well as places and the natural, built and historic environment. These elements are contained within the LDF Policies (CP17, DP32, CP16 and DP28).

In order to secure the highest quality design, 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.

Paragraphs 93 to 108 explain how local planning authorities are expected to respond to the challenge of climate change, flooding and coastal change. The Applicant has supplied details relating to drainage of the proposed junction. 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. Nonetheless, details of the drainage scheme can be secured via condition.

Paragraphs 109 to 125 are concerned with the conservation and protection of the natural environment.

Paragraph 118 relates to ecology and biodiversity considerations when determining planning applications. 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.

With the implementation of native wildlife friendly planting, the incorporation of bat and bird boxes and the creation of 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 the NPPF.

Paragraph 109 of the NPPF states that "the planning system should contribute to and enhance the natural and local environment by... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution."

With regards to air quality, an Air Quality Assessment Report has been submitted with the application. 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. Based upon this assessment, the proposed junction is considered to comply with the NPPF.

Paragraph 123 states that “planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.”

A Noise Impact Assessment has been submitted with the application. 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.

Paragraph 125 of the NPPF states that “By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

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 on existing residents is minimised as far as reasonably possible.

Full weight can be given to the LDF policies in the terms set out in Annex 1: Implementation of the NPPF at P.214

Outcome of Consultations

Sowerby Parish Council

Confirmed no comments or observations.

NYCC Highways

No additional comments to make in light of the National Planning Policy Framework.

Natural England

Confirmed no further comments.

Environment Agency

No objection to the grant of planning permission subject to conditions.

Publicity

Following publicity of the NPPF and its relevance to the determination of this application, 2 representations were received from local people and have been summarised as follows. Only those comments made in relation to the NPPF & the proposed development have been summarised:

1. The accesses to and from the A168 is inadequate and dangerous.

2. It is ridiculous that the developer is seeking to vary 20 out of the 40 planning constraints required to ensure such a junction should be safe to use.
 3. No objection in principle to creating the junction, but insist it must be to a high safety standard and these proposals are not in any way adequate.
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Conclusions

Taking into account the specific policies in the NPPF on economic development; sustainable transport; design; ecology; drainage; pollution and air quality, and the NPPF as a whole, it is considered that the application is in accordance with the requirements of the NPPF.

It is considered that the previous resolution of the Planning Committee is consistent with the policy of the NPPF and that the proposal can be granted planning permission subject to the final comments of the Highways Agency and their approval under the departures procedure for non-standard highway design.

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 11/00895/FUL
Address: 16 and 16A Water End, Brompton
Proposal: Alterations and extensions to existing dwelling and shop
to form 2 dwellings
Planning Committee Date: 01 March 2012

Original National Planning Policy Considerations

The Planning Committee report of 1st March 2012 made no direct reference to Planning Policy Statements or Planning Policy Guidance.

Summary of reason for approval at 1st March 2012

“The proposed development would be acceptable in principle in this location, would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area and would not have an adverse impact on highway safety. The proposal accords with the policies set out in the Local Development Framework, save for the lack of contribution towards Public Open Space Provision and Local Infrastructure Delivery, and is therefore considered acceptable.”

At the 1st March 2012 Committee members resolved to approve the scheme following a revised offer to provide £3990 towards off-site infrastructure.

NPPF Considerations

The NPPF has an objective to “boost significantly the supply of housing” and introduces the presumption in favour of sustainable development.

Much of the guidance in the NPPF in respect of design is a revision of earlier guidance in PPS1, PPS3 and other non-statutory guidance.

Design advice is contained in the NPPF at P.56, 57, 61 and 64. This supports the policies contained in the LDF requiring a high standard of design that contributes to sustainability of development. The NPPF seeks design that is inclusive and relating to spaces as well as buildings, people as well as places and the natural, built and historic environment. These elements are contained within the LDF Policies (CP17, DP32, CP16 and DP28).

NPPF P.70 says planning policies and decisions should guard against unnecessary loss of valued facilities and services, particularly where this would reduce the communities ability to meet its day to day needs. This is also considered in the LDF Policy DP5 and is consistent with the NPPF policy.

Provision is made at P.203 and 204 for the use of a planning obligation where it meets the tests, set out in P.204.

Full weight can be given to the LDF policies in the terms set out in Annex 1:
Implementation of the NPPF at P.214

Outcome of Consultations

No new representations raised.

Conclusions

Taking into account the specific policies in the NPPF on housing and design and the NPPF as a whole it is considered that the application is in accordance with the requirements of the NPPF.

It is considered that the previous resolution of the Planning Committee is consistent with the policy of the NPPF and that the proposal can be granted planning permission subject to planning conditions and a Planning Obligation in lieu of on site provision of Public Open Space, Sport and Recreation and off-site infrastructure delivery.

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 11/02804/FUL
Address: Cedar Lodge, Tollerton
Proposal: Application for the retention of an existing portable
building for continued use as an agricultural workers
dwelling
Planning Committee Date: 01 March 2012

Original National Planning Policy Considerations

The Planning Committee report of 1st March 2012 stated:

“5.1 The key issues include the principle of a residential use on this site, whether the need for a farmworker’s dwelling satisfies the functional and financial tests of PPS7, the suitability of the siting of the dwelling in respect of its effect on the character and appearance of the surrounding landscape and relationship to the farm, and highway matters.

5.2 The provision of residential accommodation in the countryside is strictly controlled by Policies CP1, CP2 and CP4 of the Local Development Framework Core Strategy and the advice in PPS7.

5.3 Policy CP4 and PPS7 require that any residential development outside Development Limits will only be permitted in exceptional circumstances when all of the following criteria are met:-

- 1) It is proved to be essential to the functional needs of the enterprise to house a full-time worker at or in the immediate vicinity of their place of work.
- 2) There is firm evidence of the financial viability of the enterprise both at the time of the application and in the longer term.
- 3) The need cannot be met in a nearby settlement or by an existing dwelling in the locality or by the conversion of an existing building in the locality.”

Summary of reason for approval at 1st March 2012

“The continued siting of an additional residential unit at the holding fulfils the functional and financial requirements of Annex I, PPS7 and the siting, access and appearance of the mobile home are considered acceptable. It is considered that the development is in accordance with LDF Policies CP1, CP2, CP4 and DP9 and the advice within PPS7.”

The scheme for the permanent retention of a unit of accommodation for residential occupation was liable to make a contribution towards meeting the needs for off-site Open Space, Sport and Recreation Facilities in accordance with the LDF Policy DP37 and the SPD. A payment has been made to discharge this liability.

NPPF Considerations

The NPPF introduces the presumption in favour of sustainable development and at P.55 states that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside."

Design advice is contained in the NPPF at P.56, 57, 61 and 64. This supports the policies contained in the LDF requiring a high standard of design that contributes to sustainability of development. The NPPF seeks design that is inclusive and relating to spaces as well as buildings, people as well as places and the natural, built and historic environment. These elements are contained within the LDF Policies (CP17, DP32, CP16 and DP28).

Provision is made at P.203 and 204 for the use of a planning obligation where it meets the tests, set out in P.204.

Full weight can be given to the LDF policies in the terms set out in Annex 1: Implementation of the NPPF at P.214

Outcome of Consultations

No new representations raised.

Conclusions

Taking into account the specific policies in the NPPF on housing and design and the and the NPPF as a whole it is considered that the application is in accordance with the requirements of the NPPF.

It is considered that an "essential need" for a worker to live on the holding was demonstrated prior to the consideration of the planning application on 1st March 2012 and that the previous resolution of the Planning Committee is consistent with the policy of the NPPF and that the proposal can be granted planning permission subject to planning conditions relating to amongst other things agricultural occupancy restriction and a Planning Obligation in lieu of on site provision of Public Open Space, Sport and Recreation.

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 10/01493/FUL
Address: Land To The North Of Plews Way Leeming Bar
Industrial Estate
Proposal: Construction of a showroom/office building, a
warehouse/storage unit, a nursery/pre-school building
and associated car parking, landscaping and associated
yard for the storage of construction materials
Planning Committee Date: 22 July 2010

Original National Planning Policy Considerations

The Planning Committee report made no direct reference to Planning Policy Statements or Planning Policy Guidance

Summary of reason for approval at 22 July 2010

“It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the scheme comprises the final development within this phase of the Leeming Bar Business Park which is a sustainable location serving the Bedale sub-area. The scale, layout, design and materials are appropriate to the site location and the uses proposed will be beneficial to the continued growth and development of the Business park and the local economy”.

NPPF Considerations

The NPPF introduces the presumption in favour of sustainable development.

Emphasis is given in the NPPF on the importance of economic growth to secure higher social and environmental standards. The NPPF says that the planning system should play an active role in guiding development to sustainable solutions. P.18 to P22 of the NPPF describes the approach to supporting economic growth and flexibility in the use of land to support sustainable local communities.

Design advice is contained in the NPPF at P.56, 57, 61 and 64. This supports the policies contained in the LDF requiring a high standard of design that contributes to sustainability of development. The NPPF seeks design that is inclusive and relating to spaces as well as buildings, people as well as places and the natural, built and historic environment. These elements are contained within the LDF Policies (CP17, DP32, CP16 and DP28).

Provision is made at P.203 and 204 for the use of a planning obligation where it meets the tests, set out in P.204.

Full weight can be given to the LDF policies in the terms set out in Annex 1: Implementation of the NPPF at P.214

Outcome of Consultations

No representations received

Conclusions

Taking into account the specific policies in the NPPF on economic growth and design and the NPPF as a whole it is considered that the application is in accordance with the requirements of the NPPF.

It is considered that the previous resolution of the Planning Committee is consistent with the policy of the NPPF and that the proposal can be granted planning permission.

**Reconsideration of Applications against the
National Planning Policy Framework (NPPF)**

Application No: 08/02098/FUL
Address: Bagby Service Station, Bagby
Proposal: Demolition of former service station, garage and ancillary outbuildings. Construction of two detached dwellings, two live-work units (B1) and creation of a new vehicular access
Planning Committee Date: 16 October 2008

Original National Planning Policy Considerations

The Planning Committee report made no direct reference to Planning Policy Statements or Planning Policy Guidance

Summary of reason for approval at 16 October 2008

“There are some outstanding issues with regards to this application however, providing these issues are resolved then it is considered that the proposal could have economic and social benefits on the local community by means of a planning obligation to secure a contribution towards affordable housing. It will not have a negative effect on the amenity of the nearby residents or on highway safety.”

NPPF Considerations

The NPPF introduces the presumption in favour of sustainable development.

Emphasis is given in the NPPF on the importance of economic growth to secure higher social and environmental standards. The NPPF says that the planning system should play an active role in guiding development to sustainable solutions. P.18 to P22 of the NPPF describes the approach to supporting economic growth and flexibility in the use of land to support sustainable local communities. P.21 of the NPPF (Final bullet point) supports facilitating flexible working practices such as the integration of residential and commercial use within the same unit (live/work units), the approach in LDF Policy CP15 and DP18 are consistent with the NPPF supporting the social and economic needs of rural communities by encouraging the provision of live/work units.

The NPPF at P.54 supports housing to meet local needs in rural areas, particularly for affordable housing. The LDF contains Policy CP9 and CP9a and DP15 supporting the provision of affordable housing.

Design advice is contained in the NPPF at P.56, 57, 61 and 64. This supports the policies contained in the LDF requiring a high standard of design that contributes to sustainability of development. The NPPF seeks design that is inclusive and relating to spaces as well as buildings, people as well as places and the natural, built and historic environment. These elements are contained within the LDF Policies (CP17, DP32, CP16 and DP28).

NPPF P12 requires sites to be suitable for the new use taking account of pollution arising from previous uses and proposals for mitigation including land remediation and requires investigation information prepared by a competent person is presented. The approach of LDF CP21 and DP42 in seeking to protect from hazardous and polluting activities is consistent with the NPPF.

Provision is made at P.203 and 204 for the use of a planning obligation where it meets the tests, set out in P.204.

Full weight can be given to the LDF policies in the terms set out in Annex 1: Implementation of the NPPF at P.214

Outcome of Consultations

Bagby and Balk Parish Council wish to see the application granted but have two queries.

“There is still concern over the contamination resulting from the fuel tanks, and the NPPF would seem to endorse this query. Has there been an environmental check on this land?” (No this continues to be an outstanding issue for the applicant to demonstrate how the site can be cleaned.)

“The NPPF would also appear to endorse sustainability, and to this end we feel that it is an essential part of this development that the workshop element should be retained.”

(The planning permission that was resolved to be granted provided commercial workshop space for each of the two dwellings.)

Conclusions

Taking into account the specific policies in the NPPF on economic growth, boosting the supply of housing and design and the NPPF as a whole it is considered that the application is in accordance with the requirements of the NPPF.

It is considered that the previous resolution of the Planning Committee is consistent with the policy of the NPPF and that the proposal can be granted conditional planning permission subject to a Planning Obligation regarding the provision of a commuted sum for Open Space, Sport and Recreation provision and affordable housing.