

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 31 January 2013. The meeting will commence at 1.30pm.

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

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

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

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

Mick Jewitt
Director of Housing and Planning Services

SITE VISIT CRITERIA

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

PLANNING COMMITTEE

31 JANUARY 2013

Item No	Application Ref/ Officer	Proposal/Site Description
1	12/01209/FUL Mr J Saddington	Construction of 48 dwellings with associated garages, parking and landscaping For Persimmon Homes (Yorkshire) Ltd At: Ward Trailers York Road Easingwold RECOMMENDATION: GRANTED
2	12/01211/DIS and 12/01212/DIS Mr J Saddington	Proposed discharge of conditions particularly relating to condition 10 ground and building finished floor levels and drainage scheme For: Redrow Homes Yorkshire At: OS Field 9972 York Road Easingwold RECOMMENDATION: GRANTED
3	12/01570/FUL Miss A Peel	Change of use of a leisure plot to a private gypsy site for one family as amended by plan received by Hambleton District Council on 18 September 2012. For: Mr P Lovell At: Hailstone Moor Bullamoor Northallerton RECOMMENDATION: GRANTED
4	12/02375/FUL Mr A Cunningham	Improvement works to existing vehicular access and change of use of agricultural land to form a caravan site to include the provision of 10 touring caravan pitches as amended by plan received by Hambleton District Council on 15 January 2013 For: Mr D Kay At: The Oaks Fishing Lakes Station Road Sessay RECOMMENDATION: GRANTED

5	12/01556/FUL Mr J Saddington	Demolition of 1 dwelling and depot building and construction of 47 dwellings with associated access, parking, public open space and landscaping as amended by plans received by Hambleton District Council on 9th November 2012 and 16th January 2013 For: Persimmon Homes (Yorkshire) Ltd & Secretary Of State For Communities and Local Government At: Warehouse Buffer Depot Sowerby RECOMMENDATION: REFUSED
6	12/02437/FUL Mr T Wood	Construction of a new 52 apartment extra care development with associated communal facilities including a new public library For: Housing 21 At: Cherry Garth Home Chapel Street Thirsk RECOMMENDATION: GRANTED
7	12/02438/CON Mr T Wood	Application for conservation area consent to demolish existing residential care home For: Housing 21 At: Cherry Garth Homes Chapel Street Thirsk RECOMMENDATION: GRANTED
8	Mrs S Leeming	Application for works to fell and stump grind sycamore tree subject to Tree Preservation Order 1995/17 For: Mr and Mrs D Raw At: Sycamore House Sutton under Whitestonecliffe RECOMMENDATION: REFUSED

12/01209/FUL

**Construction of 44 dwellings with associated garages, parking and landscaping as amended by plans received by Hambleton District Council on 4th July 2012, 11th October 2012, 2nd December 2012 and 10th December 2012
at E Ward & Son, Ward Trailers, York Road, Easingwold
for Persimmon Homes (Yorkshire) Ltd**

1.0 SUMMARY

- 1.1 Planning Committee considered an interim report on this application on 11th October 2012 and agreed to defer consideration of the application in order to allow for: additional design improvements; clarification of contributions towards off-site footway and cycleway links, education and public open space; and the receipt of outstanding consultation responses. A copy of the interim report is appended for information.
- 1.2 In terms of design, Members mainly expressed concern about the design quality of the housetypes, over-development of the site, 2.5 storey dwellings, the level of car parking and the position and size of public open space.
- 1.3 The Applicant has responded to Members' concerns by making significant amendments to the site layout and the proposed housetypes. The quantum of development has been reduced by 4 units from 48 to 44 dwellings, whilst the public open space has been reduced and moved a central location. The access has been repositioned to the northern boundary of the site in order to provide a consistent site frontage.
- 1.4 Additional visitor car parking bays have been added to the layout. The number of car parking spaces has been increased from 61 spaces to 79 spaces. Including garages, the total number of car parking spaces is 97.
- 1.5 The elevational details and streetscenes have been re-evaluated and designs rationalised to produce streetscenes more in keeping with Easingwold. The proposed dwellings now incorporate traditional detailing, including: chimneys, arched header courses to windows, dentil courses to eaves and projecting gables, timber style garage doors, rise and fall guttering with no fascias or soffits. Window profiles have also been amended to reflect local character.
- 1.6 The inappropriately styled Hatfield and Clevedon housetypes have been deleted from the scheme and replaced with the Chedworth and Avebury housetypes. This has resulted in the number of two storey dwellings with a third floor of accommodation in the roof space being reduced by 5 from 11 units to 6 units.
- 1.7 The amended layout and housetypes will result in an appropriately scaled and attractive development on this key gateway site.
- 1.8 The principle of development has been established as the site is allocated for residential development within the adopted LDF Allocations Development Plan Document. The amended scheme will deliver an attractive and sustainable development which will improve the built environment of Easingwold.

- 1.9 The application site is allocated for housing (EH1 - Ward Trailers) for early release and completion in Phase 2 (2016-2021). The accompanying planning statement seeks to advance a case for early release based on the lack of a 5 year land supply. In terms of housing numbers and a 5 year supply within the District, the Applicant's case is not supported. However, having regard to the Easingwold sub area there is a case for allowing this site in order to ensure that both the NPPF "5 year +5%" target is met and also (through the use of appropriate conditions to manage release) that a planned supply is maintained over the next five years. Early release in this way would be unlikely to result in any significant adverse impacts for the town.
- 1.10 The proposal is in general accordance with the requirements of Policy EH1 in respect of housing numbers, density and proportion of affordable housing. The proposed developer contributions offered towards improving essential infrastructure and Council priorities are also considered to be acceptable.
- 1.11 It is recommended that planning permission be granted for the application as amended subject to the signing of a s.106 agreement to secure the agreed 50% affordable housing and the identified developer contributions.

2.0 PROPOSAL AND SITE DESCRIPTION

- 2.1 Full planning permission is sought for the construction of 44 dwellings with associated garages, parking and landscaping at the former Ward Trailers site on the southern fringe of Easingwold. This will deliver a development of approximately 29 dwellings per hectare. 22 dwellings (50%) are identified for affordable use, the balance of 22 dwellings for private residential use.
- 2.2 The proposed dwellings are predominately two-storeys in height, with 2 two storey dwellings including additional accommodation within the roof space proposed at the north-western boundary. The proposed accommodation will provide a mix of 2, 3 and 4 bedroom dwellings.
- 2.3 The proposed dwellings will be constructed using red-multi brickwork, pantiles and concrete tiles. Architectural detailing is of traditional form and incorporates: chimneys, arched header courses to windows, dentil courses to eaves and projecting gables, timber style garage doors and rise and fall guttering with no fascias or soffits. Window profiles also reflect local character. All dwellings have private amenity space in the form of rear gardens, some with open-plan front gardens. A total of 79 car parking spaces (excluding garages) are proposed which equates to approximately 1.8 spaces per dwelling.
- 2.4 An informal public open space occupies a central position within the site, close to the northern boundary with Easingwold School. This space is large enough to accommodate an equipped play area or be used as an informal kick-about space; although no firm proposals have been submitted.
- 2.5 Private defensible spaces will be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber fences to screen walls. Bins/ recycling receptacles can be stored to rear of properties without difficulty.
- 2.6 The site is to have a single access point from York Road for both pedestrians and vehicles. The road remains a consistent width throughout the site, although several units would be served by narrower private driveways and rear parking courts.
- 2.7 The site covers an area of 1.5ha and is currently occupied by derelict industrial units that have fallen into a state of disrepair since cessation of the manufacturing use. The westernmost part of the site is occupied by scrubland with a tree/shrub boundary along the northern edge. The site is relatively flat with only nominal gradients and

changes in height across the site, although a significant proportion is hard surfaced. The existing access is achieved from York Road in the north east corner of the site.

- 2.8 The site is located on the southern edge of Easingwold, immediately to the west of York Road. Adjoining to the north is Easingwold Secondary School whilst the land to the south and west is occupied by farm land. The land to the east of the site on the opposite side of York Road is allocated for employment use (B2/B8) under policy EM1 and new housing development is under construction to the north of this by Redrow Homes.
- 2.9 The application site is allocated for housing Phase 2 (2016-2021), subject to:-
- i) Development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 50 dwellings (of which a target of 50% should be affordable);
 - ii) Housing types meeting the latest evidence on local needs;
 - iii) Contributions from the developer towards the provision of additional school places and local health care facilities as necessary;
 - iv) contributions from the developer towards the costs of a Sports Hall at Easingwold Secondary School, cycle/footpath links to other existing or proposed footpaths/cycleways and, if required, drainage and sewerage infrastructure;
 - v) Securing any necessary improvements to the existing drainage system or providing appropriate and suitable alternative drainage methods;
 - vi) Significant landscaping along the northern, southern and eastern boundaries of the site; and
 - vii) Appropriate measures being taken to deal with any contamination relating to the previous use.

3.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

3.1 None relevant.

4.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework – March 2012

- 4.1 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied.
- 4.2 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP5 - The scale of new housing
CP5a - The scale of new housing by sub-area
CP6 - Distribution of housing
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources

CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP11 - Phasing of new housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

EH1 – Ward Trailers, York Road, Easingwold (1.5ha)

Other Relevant Documents

Affordable Housing SPD
Public Open Space, Sport & Recreation SPD
Sustainable Development SPD
Secured By Design
Council Plan
Hambleton Biodiversity Action Plan
Sustainable Communities Strategy
Technical Guidance Note to the NPPF on flooding

5.0 CONSULTATIONS

Easingwold Town Council

5.1 Comments made in respect of the original scheme –

- ETC do not support an earlier start date than originally phased; Phase 2 (2016-2021). It is essential that simultaneous building with the Redrow development is avoided due to the close proximity to the school and York Road.
- Concerned at the lack of parking for the 2 bedroom dwellings, the “Morden & Moseley” notably and generally concerned at the lack of parking provision. Would like to see the Public Open Space reduced in size to create more parking.
- Dwellings are too close together creating an unattractive view of wall to wall development on the west side. This is considered unsuitable in open countryside.
- Wish to see some bungalows in the development

- Wish to see a reasonable percentage of affordable housing on the site.

5.2 Comments on the amended scheme are awaited.

NYCC Highways

5.3 Comments awaited.

NYCC Education

5.4 Require a developer contribution of £108,768 towards the anticipated need for new primary school places (comment based upon 48 dwellings).

HDC Leisure Services Officer

5.5 Policy DP37 recommends that there are amenity green spaces and play areas for children provided on developments with 10-79 houses. Plus, there is a quantitative deficiency in amenity green space, children's play and outdoor sports facilities in Easingwold.

5.6 There is no other accessible public open space in the vicinity which strengthens the case for POS being provided on site. Even with some provision on the Redrow site, children would have to cross York Road which is a very busy and wide road to cross.

HDC Environmental Health Officer

5.7 The east of the site is adjacent to York Road, which, at that location has a 40mph speed limit. It is understood that the speed limit is unrestricted at a point 183m south of the site access. As a consequence the traffic in the vicinity of the development site is faster than a typical urban 30mph road. A short period sound level reading taken at a point 5m from the carriageway in the afternoon has confirmed that the noise levels from the traffic is elevated at the site boundary. Recommend that a condition is attached requiring a noise assessment and details of any noise mitigation measures.

5.8 Recommend that a condition is attached requiring the submission and approval of a detailed land contamination remediation strategy.

Yorkshire Water

5.9 YWS has no objection in principle subject to drainage conditions being imposed.

5.10 Foul water domestic waste should discharge to the public foul/combined water sewer recorded nearby in York Road. If sewage pumping is required, the peak pumped foul water discharge must not exceed 6 (six) litres per second.

5.11 The local public sewer network does not have the capacity to accept any discharge of surface water from the proposal site. It is noted that the submitted Flood Risk Assessment for this site (prepared by Alan Wood & Partners - Report CJM/CC/HW/26577 Rp002 Rev.A dated 28/05/2012) shows surface water discharge to either soakaway and /or watercourse, via storage, with a restricted discharge. No objection is raised by Yorkshire Water to this arrangement.

Environment Agency

5.12 No objections to the proposed development as submitted. The proposals for surface water disposal discharge into the drainage system of the Kyle and Upper Ouse Internal Drainage Board (IDB). Therefore, it is appropriate for the IDB to specify the

required discharge and storage requirements.

- 5.13 The Agency support the principles outlined in the submitted Flood Risk Assessment by Alan Wood Partners (ref: CJM/CC/HW/26577-Rp002-Rev A) that discharge and storage should be restricted to take account of climate change (a 30% anticipated increase in rainfall intensity over the development lifetime). However, as indicated above, the IDB may have specific requirements.

Kyle & Upper Ouse Internal Drainage Board

- 5.14 The Applicant has been advised that consent will be required under Kyle & Upper Ouse Internal Drainage Board Byelaw 3, which controls the introduction of water and increase in flow or volume of water into the Alne Beck, which is an adopted watercourse of the Board.
- 5.15 The condition of the consent will be that the impact on the Alne Beck be investigated in more detail. This should consider the existing risk to land and property from Alne Beck and the effect of the additional discharge. The study could be extended to investigate whether a discharge greater than the greenfield runoff could be accommodated without detriment. Consent will not be granted until the study has been completed and approved by the Board.
- 5.16 Therefore, the Board objects to the proposal until this investigation has been completed and approved by the Board.

Police Architectural Liaison Officer

- 5.17 Comments made in respect of the original scheme –
- Recommendation 1 – the fence to the south should be 1.8m high and be of robust construction. The fencing to the east side of the site which is the front, albeit only 1m high should be of a defensible nature so access to the buildings and vehicles along the front of this estate cannot be gained by stepping over whatever will be decided for the frontage. Prickly type planting reinforced by fencing would be good. Then access into this site from York Road must be through the main entrance roadway.
 - Recommendation 2 - that overspill parking provision be allowed on specific plots where the residents can see their parked vehicles by reducing the generous Public Open Space and re-designing the estate.

Publicity

- 5.18 The application was advertised within local press, by site notice and directly to the neighbouring residents. The original consultation period expired on 18th October 2012 and one letter of objection was received which raised concerns about sewerage, the surface water run off, light pollution, the existing trees and shrubs, the wildlife and the number of affordable houses to be built (with preference for no provision).
- 5.19 A further round of consultation on the amended scheme expires on 24th January 2013. No representations have been received to date.

6.0 OBSERVATIONS

- 6.1 The main issues to consider in the determination of this application are matters relating to: -
- a) Location & Phased Delivery of New Housing
 - b) Design & Density

- c) Sustainable Construction
- d) Highway Safety & Car Parking
- e) Drainage & Flood Risk
- f) Ecology & Trees
- g) Public Open Space
- h) Affordable Housing
- i) Other Developer Contributions

Location & Phased Delivery of New Housing

- 6.1 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton including the requirements for affordable housing. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 6.2 The application site is allocated for housing (EH1 - Ward Trailers) for early release in Phase 2 (2016-2021), subject to subject to the provisions detailed within paragraph 1.9 of this report.
- 6.3 The accompanying planning statement seeks to advance a case for early release and completion based on the lack of a 5 year land supply.
- 6.4 The current 5 year deliverable land supply target for the District is 1,450. This equates to 1,523 with a 5% buffer as required by the NPPF to ensure choice and competition in the market for land.
- 6.5 At the 30th September 2012, the Council calculated the supply of specific deliverable sites at 1,778 units and therefore, District wide; there is a 5.8 year land supply with a 5% buffer. A further 82 units have since been resolved to be approved on a Phase 2 allocation site at Leeming Bar.
- 6.6 The LDF covers the whole District and therefore the District wide figures are the most important, however it is also appropriate to give some weight to the Easingwold sub area statistics given the wide geography of the District and that the LDF strategy including the housing requirement and provisions is based around the 5 sub areas.
- 6.7 NPPF advises there should be a housing supply of the LDF target plus 5%, which is met District-wide. In the NPPF there is only a requirement for a 5 year supply plus 20% if there is evidence of “persistent under delivery”. The latest trajectory for the Easingwold Sub Area does not show persistent under delivery in the previous 5 years.
- 6.8 At an Easingwold Sub Area level, the LDF target is 203 units for 5 years and with an additional NPPF 5% buffer, it is at 213. At 30th September 2012, there was a supply in Easingwold area of specific deliverable sites of 167 units comprising planning permissions and phase 1 allocations which equates to a 3.9 year supply. An additional 46 units would need to be added to take the total supply to 213 units and meet the 5 year supply with the additional 5% target. This development of 44 units would broadly meet this sub area need, particularly towards the end of Phase 1.
- 6.9 EH1 allocation specifically refers to Ward Trailers coming forward early in Phase 2, which could be granted pre - 2016.
- 6.10 If Redrow's development on allocation site EM1 proceeds to schedule, at approximately 30 dwellings per annum over the next 3 years, then for 2015/2016 supply in the Easingwold sub area would be reliant on other permissions and windfalls, with no further phase 1 allocations coming through. In the October 2012 report the view was taken that this site could be released for development at the end of Phase 1 (to 2015/16) with half built in 2014/15 and half built in 2015/16. Having

considered this matter further and taking account of the relatively small number of dwellings that would be held back to 2015/16 it is felt that it would be hard to justify restricting the completion of houses as no other grounds for phasing of development are identified.

- 6.11 By allowing the 44 houses on Ward Trailers to start prior to 2016/17 there would be a supply of 211 units in the sub area which is a 4.95 year land supply. Early release of the site would help correct the sub-area shortfall and would be unlikely to result in any significant adverse impacts for the town and the LDF strategy. Consequently, starting to developing the site within Phase 1 is considered to be acceptable in principle.
- 6.12 The proposal shows 50% of the dwellings to be affordable units. This accords with the requirements of the Policy CP9 which requires that proportion of affordable housing in the Service Centre and hinterland of Easingwold is 50% of the total number of dwellings. The scheme is therefore also compliant with the requirement of Allocation DPD Policy EH1, which confirms the 50% affordable dwelling level as a site-specific requirement.

Design & Density

- 6.13 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 6.14 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 6.15 Paragraph 62 of the NPPF states that “Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”
- 6.16 In response to this guidance, Officers invited the Applicant to refer the application to the Regional Design Review Panel as a collaborative process. This request was rejected by the Applicant. Consequently, the Local Planning Authority has critiqued the proposed design and layout without the added benefit of third party scrutiny. Earlier and at the October Planning Committee, both Officers and Members were critical of the design quality of the housetypes, over-development of the site, two storey dwellings with a third floor of accommodation in the roof space, the level of car parking and the position and size of public open space when the interim report was considered in October 2012.
- 6.17 The Applicant has responded by making significant amendments to the site layout and the proposed housetypes. The number of dwellings has been reduced by 4 units from 48 to 44 dwellings, whilst the public open space has been reduced and moved a central location. The access has been repositioned to the northern boundary of the site in order to provide a consistent site frontage. The reduction in unit numbers results in a density of 29.33 dwellings per hectare, short of the 35 dwellings per hectare expected by policy EH1 but the variation is made with good reason in response to considered criticism of the earlier design.

- 6.18 The elevational details and streetscenes have been re-evaluated and designs rationalised to produce detailing and streetscenes more in keeping with Easingwold. The proposed dwellings now incorporate traditional detailing, including: chimneys, arched header courses to windows, dentil courses to eaves and projecting gables, timber style garage doors, rise and fall guttering with no fascias or soffits. Window profiles have also been amended to reflect local character.
- 6.19 The inappropriately styled Hatfield, Moseley and Clevedon housetypes have been deleted from the scheme and replaced with the Chedworth and Avebury housetypes. This has resulted in the number of two storey dwellings with a third floor of accommodation in the roof space being reduced from 11 units to 2 units.
- 6.20 The amended layout and housetypes will result in an appropriately scaled and attractive development on this key gateway site and is therefore considered to be in accordance with policies CP17 and DP32 of the Hambleton Local Development Framework and design guidance contained within the NPPF.

Sustainable Construction

- 6.21 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 6.22 In response to the requirements of DP34, the submitted Design & Access Statement confirms that the 10% energy saving will be delivered via a combination of improvements to the fabric of the buildings above Building Regulations and the installation of renewable or low carbon technologies. However, no firm proposals have been presented to the Council.
- 6.23 Consequently, it is recommended that a suitably worded condition be applied in order to secure a scheme for suitable design improvements to the approved housetypes and/or on-site renewable energy generation.

Highway Safety & Car Parking

- 6.24 The site will be accessed off York Road which provides access to the wider highway network. The comments of the Local Highway Authority are awaited in respect of highway safety considerations. However, no objections are foreseen as the site is allocated for development and the access from York Road is as far away from that for the nearby development site, EM1, as can realistically be achieved within the allocated site boundaries.
- 6.25 In response to Members' concerns, the number of car parking spaces has been increased from 61 spaces to 79 spaces which equates to approximately 1.8 spaces per dwelling. Including garages, the total number of car parking spaces is 97. This level of car parking provision is considered to be acceptable.

Drainage & Flood Risk

- 6.26 Flood risk was carefully considered before the site was allocated for development under policy EH1. Therefore this is not an issue of principle but a detail to be resolved using best endeavours. A Flood Risk Assessment (FRA) produced by Alan Wood & Partners has been submitted with the application. The FRA confirms that the site is within Flood Zone 1 and is therefore at the lowest risk of flooding.
- 6.27 The new development will contain a higher proportion of hardstanding areas than is present within the existing development and there will therefore be an increase to the

surface water run-off rate. In order to reduce the likelihood of flooding to other developments, it is proposed that a reduction of 30% be applied, which would reduce the discharge rate to approximately 12.6 litres per second. Attenuation will need to be incorporated into the surface water drainage system to the new development and a suitable flow control incorporated into the new surface water drainage system in order to restrict the run-off. There are no indications that site levels will need to be increased in order to achieve a surface water drainage scheme that drains under gravity.

- 6.28 Yorkshire Water and the Environment Agency have raised no objections to the proposed means of drainage. The Kyle & Upper Ouse Internal Drainage Board has advised that the impact on Alne Beck will be investigated as part of their procedures in consenting to any additional flows into the Beck. The Board objects to the proposal until this investigation has been completed and approved by the Board. However, as with flood risk, the allocation means that this is not a point of principle but a matter that may require detailed control.
- 6.29 In light of the Internal Drainage Board's objection, it is recommended that pre-commencement conditions be applied to any planning permission to ensure the implementation of suitable foul and surface water drainage schemes.

Ecology & Trees

- 6.30 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation value...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 6.31 An Ecological Survey & Assessment produced by Erap Ltd (Consultant Ecologists) was submitted in support of the application. The Survey concludes that the site contains no ecological constraints on residential development.
- 6.32 Development of the site is not reasonably likely to have an adverse effect on designated sites, protected species or features of significant ecological or wildlife value. This conclusion is valid provided that guidance detailed in Section 5 of the Survey is applied throughout the design and construction of the site.
- 6.33 There is scope to incorporate beneficial biodiversity within the development, as required by the principles of the National Planning Policy Framework (NPPF), the UK and North Yorkshire BAP and best practice guidelines.
- 6.34 In light of the findings and recommendations of the Ecological Survey & Assessment, it is recommended that a condition be imposed to secure the submission and implementation of a Habitat Management and Enhancement Plan.
- 6.35 A Tree Survey produced by Iain Tavendale (Arboricultural Consultant) has been submitted with the application. Of the trees surveyed, none have been identified as Category A trees, i.e. those of high quality and value. The survey recommends that the majority of trees should be felled, including the groups of Lombardy Poplars running along the northern boundary with Easingwold School. However, these trees are not subject to a Tree Preservation Order and stand on land within the ownership of school. Therefore any decision relating to their ongoing management rests with the school and not with the Applicant.

Public Open Space

- 6.36 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards for public open space by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

Contributions will be dependent on increased demand resulting from the development.

- 6.37 The proposed development incorporates a central area of public open space. This space will be used for informal recreation and children's play. A scheme for the installation of play equipment, landscaping, bins and benches will be secured along with the open space works scheme contained within the s.106 agreement.
- 6.38 Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within the Easingwold Hinterland. The Council's sports and recreation priorities are contained in the Sport and Recreation Area Action Plan approved by Cabinet in September 2012. The Applicant has agreed to make a contribution in accordance with this policy.

Affordable Housing

- 6.39 The provision of affordable housing is a Council priority, being identified in the Council Plan as such. Successive Housing Need Studies have pointed to the need to ensure a supply of affordable housing within the District, both in terms of the overall scale of provision and also its distribution. The latter point is important because affordable housing need is not uniform across the District, with the greatest need in Stokesley and Easingwold, and therefore Core Strategy policy CP9 requires the highest level of provision (50%) in Easingwold and its hinterland.
- 6.40 Criterion i) of Policy EH1 of the adopted Allocations Development Plan Document stipulates that the development should be "...at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 50 dwellings (of which a target of 50% should be affordable." Policy EH1 reflects Policy CP9 of the adopted Core Strategy which requires developments of 15 dwellings or more (or sites of 0.5ha or more) within Easingwold to make provision for 50% affordable housing. The Applicant has agreed to meet this policy objective. Therefore, 22 dwellings (50%) are identified for affordable use with the balance of 22 dwellings for private residential use.
- 6.41 The October 2012 report noted the 50% affordable housing offer, which was policy compliant. Subsequent negotiation with the Applicant on other contributions was therefore undertaken on the understanding that those contributions would be additional to the provision of 22 affordable housing units on site (reduced from 24 in line with the reduction from 48 to 44 units overall).
- 6.42 The SHMA (Strategic Housing Market Assessment) 2011 confirms Easingwold and its sub area's status as the area of highest housing need in Hambleton, with a requirement for an additional 670 affordable homes in the next 5 years to meet existing and newly arising need. The SHMA evidences an affordable housing need for 50 new affordable units per year for the next 5 years in Easingwold, and 84 per year for 5 years in the Easingwold rural hinterland. This evidence is corroborated by an analysis of the Council's Choice Based Lettings allocations system, which shows that available affordable homes in Easingwold are subject to many and multiple applications, and are let to applicants in significant housing need. The tenure and type of affordable housing has been agreed between the Applicant and the Council's Housing Services Manager and will be secured via a s.106 agreement. It is understood that the affordable homes will be managed by Broadacres.

Other Developer Contributions

- 6.43 In addition to delivering affordable housing and public open space, sport and recreation, Policy EH1 of the Allocations DPD identifies contributions from the developer towards the costs of a sports hall at Easingwold Secondary School, cycle

and footpath links, additional school places (if required) and increased or improved access to local healthcare facilities.

- 6.44 The Local Education Authority has confirmed that 9 pupils would be generated by the development which would result in a shortfall of 4 places at the local primary schools. These figures and the sum quoted in paragraph 5.4 were calculated on the basis of the original 48-dwelling scheme. The Applicant has agreed to make a contribution in accordance with this policy and a revised contribution figure appropriate to the reduced number of 44 dwellings is awaited from the Local Education Authority.
- 6.45 The Primary Care Trust's comments are awaited with regards to the impact on local healthcare facilities. Service providers tend to adopt a re-active approach to service delivery rather than a pro-active approach and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community and to identify deficiencies that should be addressed in order for new development to go ahead, which can then be addressed through direct provision or financial contributions.
- 6.46 The formulae for calculating the majority of planning benefits are drawn from policy and Council priorities and therefore these take precedence. However, the contribution required for the Sports Hall at Easingwold Secondary School is not prescribed. Therefore, if, after meeting the other policy requirements and Council priorities where there are agreed formulae for calculation, a developer is able to offer a sum for the Sports Hall, this can be the subject of negotiation. As noted above the sum required for education contributions is to be finalised and therefore the surpluses that may be available for other purposes cannot be quantified at present.
- 6.47 Notwithstanding this, the Applicant has offered £20,000 towards the new Sports Hall. Members will be aware that £650,000 has already been secured towards this project from a nearby development within part of allocated site EM1. This sum was far larger than might have been expected given the scale of that development and accounts for 32% of the total build cost identified in the School's business case. This is considered to be greater than the proportion of need arising from population growth during the plan period and it was only secured by reducing the affordable housing content and the public open space contribution such that they did not accord with Council policy or priorities. The Council has reviewed recreation needs in the local area through the Sport and Recreation Area Action Plan, approved by Cabinet in September 2012 following community consultation, and this provides an alternative framework for determining priorities in further recreational provision.
- 6.47 Again, the Council does not have a formula for calculating appropriate contributions towards cycle and footpath links. Furthermore, in the absence of local scheme or a request for a developer contribution from the Local Highway Authority, no sum has been sought.

7.0 CONCLUSION

- 7.1 The principle of development has been established as the site is allocated for residential development within the adopted Allocations Development Plan Document as Policy EH1. The amended scheme will deliver an attractive and sustainable development and deliver much needed affordable homes. The development can make an appropriate contribution towards the provision of essential infrastructure within Easingwold in line with LDF policy and Council priorities.
- 7.2 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the application as amended subject to the satisfactory resolution of the Kyle & Upper Ouse Internal Drainage

Board's holding objection and the signing of a s.106 agreement in respect of 50% affordable housing and developer contributions towards recreation provision and education.

- 7.3 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the Applicant acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

8.0 RECOMMENDATION

- 8.1 **GRANTED** subject to the following conditions:-

1. Commencement

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

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

3. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 142/002 Rev.A received by Hambleton District Council on 4th July 2012 and drawings numbered 142/RS/A3-Planning/02; 142/RF/A3-Planning/01 Rev.A; 142/SW/A3-Planning/01 Rev.A; 142/CD/A3-Planning/02; 142/MN/A3-Planning/01 Rev.A and 142/WS/A3-Planning Rev.A received by Hambleton District Council on 11th October 2012 and drawings numbered 142/AV/A3-Planning/01 received by Hambleton District Council on 2nd December 2012 and drawings numbered 142/MN&AV/A3-Planning/01 and 142/MN&AV/A3-Planning/02 received by Hambleton District Council on 10th December 2012 and drawings numbered 142/MS/A3-Planning/01 Rev.A and 142/001 Rev.F (Proposed Site Layout) received by Hambleton District Council on 14th January 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

4. Materials

The external surfaces of the development shall not be constructed other than of materials, details and samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

5. Boundary Treatments

The development shall not be commenced until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

6. Boundary Treatment Construction

No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 5 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of occupiers and neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

7. Permitted Development Rights Removed – Boundary Treatment

Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.

Reason: In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

8. Landscaping Scheme

Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

Reason: In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

9. Secured By Design

Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998

10. Sustainable Construction

Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

Reason: In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.

11. Levels

Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

12. Separate Drainage Systems

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

13. Surface Water Drainage

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

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

14. No Piped Discharge of Surface Water

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

15. Foul Drainage Scheme

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

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

16. Habitat Management & Enhancement Plan

Notwithstanding the details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

Reason: To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005.

17. Land Contamination

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, other property and the natural environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

None of the dwellings hereby approved shall be occupied until:

a) The approved remediation works required by this condition have been carried out in full in compliance with the approved methodology and best practice. If during the works new areas of contamination are discovered which have not previously been identified, then the additional contamination shall be re-evaluated in line with current guidance and the local planning authority notified, and,

b) Upon completion of the remediation works required by this condition, a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

Reason: In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.

18. Noise Survey

Before the development hereby approved commences a noise survey shall be undertaken by a competent person and submitted for approval to the local planning authority. The assessment shall identify any outdoor living area which has a noise level in excess of 50dB LAeq (16 hour). The report shall detail any noise mitigation measures required to ensure that no outdoor living area has a noise level that exceeds 50dB LAeq (16 hour). In addition, the report shall include a scheme of sound insulation that demonstrates that any dwelling will achieve internal noise levels as follows:

Bedrooms	30 dB LAeq (2300 hrs – 0700 hrs)
Living rooms	30 dB LAeq (0700 hrs – 2300 hrs)
Bedrooms	45 dB LAmax (2300 hrs – 0700 hrs)

The scheme shall take account of the need to provide adequate ventilation, which may be by mechanical or passive means and shall be designed to achieve the above criteria with the ventilation operating.

Before the development is occupied the scheme shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority.

Reason: To safeguard the amenity of the future residents from noise generated by York Road in accordance with Policy DP1 of the Hambleton Local Development Framework.

19. Highway Conditions

(To follow)

Copy of Interim Report presented on 11 October 2012

12/01209/FUL

Construction of 48 dwellings with associated garages, parking and landscaping at E Ward & Son, Ward Trailers, York Road, Easingwold for Persimmon Homes (Yorkshire) Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 48 dwellings with associated garages, parking and landscaping at the former Ward Trailers site on the southern fringe of Easingwold. This will deliver a development of approximately 32 dwellings per hectare. 24 dwellings (50%) are identified for affordable use, the balance of 24 dwellings for private residential use. The precise tenure split and position of the affordable units has yet to be agreed.
- 1.2 The proposed dwellings are all two storeys in height. The proposed accommodation will provide a mix of 2, 3 and 4 bedroom dwellings. No apartments or bungalows are proposed.
- 1.3 The majority of dwellings will be constructed using red-multi and buff-multi brickwork. Pantiles and concrete tiles will be used throughout. Architectural detailing is relatively simple and includes: brick detail to the eaves, contrasting brick band courses and sash-style windows. All dwellings have private amenity space in the form of rear gardens. A total of 61 car parking spaces (excluding garages) are proposed which equates to 1.27 spaces per dwelling.
- 1.4 A large area of public open space measuring approximately 1,600sqm has been incorporated close to the north-western boundary of the site adjacent to Easingwold School. This space is large enough to accommodate an equipped play area and informal kick-about area, although no firm proposals have been submitted.
- 1.5 Private defensible spaces will be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber fences to screen walls. Bins/recycling receptacles can be stored to rear of properties without difficulty.
- 1.6 The site is to have a single access point from York Road for both pedestrians and vehicles. The size of the road diminishes as the number of units served is reduced with groups of three, four and five properties being served off private drives.
- 1.7 The site covers an area of 1.5ha and is currently occupied by derelict high-bay industrial units that have fallen into a state of disrepair since cessation of the manufacturing use. The westernmost part of the site is occupied by scrubland with a tree/shrub boundary along the northern edge. The site is relatively flat with only nominal gradients and changes in height across the site, although a significant proportion is hard surfaced. The existing access is achieved from York Road in the north east corner of the site.

- 1.9 The site is located on the southern edge of Easingwold, immediately to the west of York Road. Adjoining to the north is Easingwold Secondary School whilst the land to the south and west is occupied by farm land. The land to the east of the site on the opposite side of York Road also has planning permission for residential development.
- 1.10 The application site is allocated for housing, EH1 Ward Trailers, for early release in Phase 2 (2016-2021), subject to:-
- i) development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 50 dwellings (of which a target of 50% should be affordable);
 - ii) housing types meeting the latest evidence on local needs;
 - iii) contributions from the developer towards the provision of additional school places and local health care facilities as necessary;
 - iv) contributions from the developer towards the costs of a Sports Hall at Easingwold Secondary School, cycle/footpath links to other existing or proposed footpaths/cycleways and, if required, drainage and sewerage infrastructure;
 - v) securing any necessary improvements to the existing drainage system or providing appropriate and suitable alternative drainage methods;
 - vi) significant landscaping along the northern, southern and eastern boundaries of the site; and
 - vii) appropriate measures being taken to deal with any contamination relating to the previous use.

2.0 RELEVANT PLANNING HISTORY

2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
 CP2 - Access
 CP3 - Community Assets
 CP4 - Settlement hierarchy
 CP5 - The scale of new housing
 CP5a - The scale of new housing by sub-area
 CP6 - Distribution of housing
 CP7 - Phasing of housing
 CP8 - Type, size and tenure of housing
 CP9 - Affordable housing
 CP16 - Protecting and enhancing natural and man-made assets
 CP17 - Promoting high quality design
 CP18 - Prudent use of natural resources
 CP19 - Recreational facilities and amenity open space
 CP20 - Design and reduction of crime
 CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

EH1 – Ward Trailers, York Road, Easingwold (1.5ha)

Other Relevant Documents

Hambleton Biodiversity Action Plan
Council Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Easingwold Town Council

- 4.1 ETC do not support an earlier start date than originally phased; Phase 2 (2016-2021). It is essential that simultaneous building with the Redrow development is avoided due to the close proximity to the school and York Road.
- 4.2 Concerned at the lack of parking for the 2 bedroom dwellings, the “Morden & Moseley” notably and generally concerned at the lack of parking provision. Would like to see the POS reduced in size to create more parking.
- 4.3 Dwellings are too close together creating an unattractive view of wall to wall development on the west side. This is considered unsuitable in open countryside.
- 4.4 Wish to see some bungalows in the development
- 4.5 Wish to see a reasonable percentage of affordable housing on the site.

NYCC Highways

- 4.6 Comments awaited.

NYCC Education

- 4.7 Require a developer contribution of £108,768 towards the anticipated need for new school places.

HDC Leisure Services Officer

- 4.8 Policy DP37 recommends that there is amenity green space and play areas for children provided on developments with 10-79 houses. Plus, there is a quantitative deficiency in amenity green space, children's play and outdoor sports facilities in Easingwold.
- 4.9 There is no other accessible public open space in the vicinity which strengthens the case for POS being provided on site. Even with some provision on the Redrow site, children would have to cross York Road which is a very busy and wide road to cross.
- 4.10 Would like confirmation concerning whether or not the POS will include play equipment and who will manage the site.

HDC Environmental Health Officer

- 4.11 The east of the site is adjacent to York Road, which, at that location has a 40mph speed limit. It is understood that the speed limit is unrestricted at a point 183m south of the site access. As a consequence the traffic in the vicinity of the development site is faster than a typical urban 30mph road. A short period sound level reading taken at a point 5m from the carriageway in the afternoon has confirmed that the noise levels from the traffic is elevated at the site boundary. Recommend that a condition is attached requiring a noise assessment and details of any noise mitigation measures.
- 4.12 Recommend that a condition is attached requiring the submission and approval of a detailed land contamination remediation strategy.

Yorkshire Water

- 4.13 YWS has no objection in principle subject to drainage conditions being imposed.
- 4.14 Foul water domestic waste should discharge to the public foul/combined water sewer recorded nearby in York Road. If sewage pumping is required, the peak pumped foul water discharge must not exceed 6 (six) litres per second.
- 4.15 The local public sewer network does not have the capacity to accept any discharge of surface water from the proposal site. It is noted that the submitted Flood Risk Assessment for this site (prepared by Alan Wood & Partners - Report CJM/CC/HW/26577 Rp002 revA dated 28/05/2012) shows surface water discharge to either soakaway and /or watercourse, via storage, with a restricted discharge. No objection is raised by Yorkshire Water to this arrangement.

Environment Agency

- 4.16 We have no objections to the proposed development as submitted. It appears that the proposals for surface water disposal from this site involve discharge into the drainage system of the Kyle and Upper Ouse Internal Drainage Board (IDB). Therefore, it is appropriate for the IDB to specify the required discharge and storage requirements. We understand the Board have been consulted on this application.
- 4.17 The Agency support the principles outlined in the submitted FRA by Alan Wood & Partners (ref: CJM/CC/HW/26577-Rp002-Rev A) that discharge and storage should be restricted to take account of climate change (a 30% anticipated increase in rainfall intensity over the development lifetime). However, as indicated above, the IDB may have specific requirements.

Kyle & Upper Ouse Internal Drainage Board

- 4.18 The Applicant has been advised that consent will be required under Kyle & Upper Ouse Internal Drainage Board Byelaw 3, which controls the introduction of water and increase in flow or volume of water into the Alne Beck, which is an adopted watercourse of the Board.
- 4.19 The condition of the consent will be that the impact on the Alne Beck be investigated in more detail. This should consider the existing risk to land and property from Alne Beck and the effect of the additional discharge. The study could be extended to investigate whether a discharge greater than the greenfield runoff could be accommodated without detriment. Consent will not be granted until the study has been completed and approved by the Board.
- 4.20 Therefore, the Board objects to the proposal until this investigation has been completed and approved by the Board.

Police Architectural Liaison Officer

- 4.21 Recommendation 1 – the fence to the south should be 1.8m high and be of robust construction. The fencing to the east side of the site which is the front, albeit only 1m high should be of a defensible nature so access to the buildings and vehicles along the front of this estate cannot be gained by stepping over whatever will be decided for the frontage. Prickly type planting reinforced by fencing would be good. Then access into this site from York Road must be through the main entrance roadway.
- 4.22 Recommendation 2 - that overspill parking provision be allowed on specific plots where the residents can see their parked vehicles by reducing the generous Public Open Space and re-designing the estate.

Network Rail

- 4.23 No observations.

Publicity

- 4.24 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expires on 18th October 2012. No representations have been received to date.

5.0 OBSERVATIONS

- 5.1 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.2 The application site is allocated for housing (EH1 - Ward Trailers) for early release in Phase 2 (2016-2021), subject to the provisions detailed within paragraph 1.10 of this report.
- 5.3 The accompanying planning statement seeks to advance a case for early release based on the lack of a 5 year land supply.
- 5.4 The current 5 year land supply target for the District is 1,450. This equates to 1,523 with a 5% buffer and 1,740 with a 20% buffer.
- 5.5 The Council expect 1,127 units to be delivered from Phase 1 sites and planning permission has been granted for 90 units on the BH4 (Aiskew Abattoir) Phase 2 site

and another 561 outstanding permissions exist. This totals 1778 units and therefore, District wide there is a 5 year land supply plus a 22.5% buffer.

- 5.6 The LDF covers the whole District and therefore the district wide figures are the most important. In terms of housing numbers and a 5 year supply, the Applicant's case is not supported. However it is also appropriate to give some weight to the sub area statistics given that the LDF strategy is based around the 5 sub areas.
- 5.7 NPPF advises there should be a housing supply of the LDF target plus 5%. In the NPPF there is only a requirement for a 5 year supply plus 20% if there is evidence of "persistent under delivery". The latest trajectory for the Easingwold Sub Area does not show persistent under delivery in the previous 5 years.
- 5.8 At an Easingwold Sub Area level, the LDF target is 203 units for 5 years. There is a supply in Easingwold area of 167 units which equates to a 4.1 year (82%) supply comprised of allocations and outstanding permissions. An additional 46 units would be needed to take the total supply to 213 units meet the 5 year supply and the additional 5% target
- 5.09 EH1 allocation specifically refers to Ward Trailers coming forward early in Phase 2, which could be 2016.
- 5.10 If Redrow's development on allocation site EM1 proceeds to schedule, at 30 dwellings per annum, then for 2015/2016 supply in the Easingwold sub area would be reliant on other permissions and windfalls, with no allocations coming through. In order to ensure a planned supply and facilitate choice and competition, it would be reasonable to grant Ward Trailers now, restricting delivery to the end of Phase 1; with 50% in 2014/2015 and 50% in 2015/2016.
- 5.11 By allowing the 48 units on Ward trailers prior to 2016 there would be a supply of 215 units in the sub area which is a 5.3 year land supply. Early release of the site would correct the sub-area shortfall and would be unlikely to result in any significant adverse impacts for the LDF.
- 5.12 Consequently, developing the site for new housing within Phase 1 is considered to be acceptable in principle subject to specific criteria contained within the Allocations DPD and site specific matters concerning design and access.
- 5.13 The proposal shows 50% of the dwellings to be affordable units, 20 x 2 bed and 4 x 3 bed units. This is compliant with the requirements of the Policy CP9 which requires that proportion of affordable housing in the Service Centre and hinterland of Easingwold is 50% of the total number of dwellings. The scheme is therefore also compliant with the requirement of Allocation DPD Policy EH1.
- 5.14 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 5.15 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 5.16 Paragraph 62 of the NPPF states that "Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for

a national design review...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”

- 5.17 In response to this guidance, Officers invited the Applicant to refer the application to the Regional Design Review Panel as a collaborative process. This request was rejected by the Applicant. Consequently, Officers have critiqued the design aspects of the application without the added benefit of third party scrutiny. Officers made the following criticisms of the original submission:-
- 1) The proposed development is situated on a key gateway site to Easingwold and therefore delivering a high quality design is essential. The current proposal is considered to be out-of-character with Easingwold. It is not locally distinctive and appears to be a standard Persimmon product.
 - 2) Recommend that the design philosophy is reconsidered. The Design and Access Statement contains a lot of rhetoric and jargon. It fails to explain why the specific house types have been chosen and how these reflect the character of Easingwold. It would be helpful to undertake an architectural appraisal of Easingwold which directly informs the site layout and external appearance of the dwellings.
 - 3) The submitted housetypes are considered to be poorly designed.
 - 4) The proposed housetypes should incorporate local characteristics, such as chimneys, stone heads and cills, bay windows, stone copings and kneelers.
 - 5) Explain how the proposed housing mix reflects local housing need? The Allocations DPD suggests that some bungalows should be included in the scheme.
 - 6) Relocate access to the site northwards to the north eastern corner of the site – enabling a prominent, strong frontage to be retained to York Road with green space at the entry point.
 - 7) Maximise the north / south orientation of proposed dwellings to maximise the benefits of solar gain on the site – this is also something which could be incorporated into the design of the dwellings proposed, rather than just the standard house type format (e.g. larger glazed areas to south facing elevations).
 - 8) The on-site public open space could be slightly reduced to improve space across the development as a whole. The public open space area as identified in the current proposal could be redistributed and relocated to a more central position within the site, creating a central green which will positively impact on a larger number of the proposed dwellings and arguably a more attractive development.
 - 9) Minimising the likelihood of street clutter through the removal of on-street parking: Residential parking could be located to the rear of the proposed dwellings, accessed by lanes through the frontage of the properties to parking courts or dedicated garages. Visitor parking could be accommodated in parallel parking bays around the central green (off-street) – this will provide for a more organised street scene rather than cluttered on-street parking experienced in many new developments.
 - 10) Possible one-way traffic management of the highway around the central green and a change in highway width and surface treatment in that area will help to reduce traffic speeds as well as provide a change in the character of the development.

- 11) The journey into the site should provide a sense of arrival at the central green and this can be accentuated by the positioning of the proposed dwellings in such a way as to provide closed views along the approach which then opens out to the central green.
- 12) The landscaping buffer along the southern boundary of the site should be retained as well as on the northern site boundary closest to the adjacent school buildings. The existing landscape belt along the northern boundary should be retained and enhanced, if necessary. Landscaping and planting around a village green or central open space would also provide character and a sense of place as it matures.
- 13) The site layout to achieve a minimum of 2 car parking spaces per dwelling (excluding garages).
- 14) Affordable housing should be pepper-potted throughout the site.

6.0 SUMMARY

- 6.1 The application site is allocated for housing (EH1 - Ward Trailers) for early release in Phase 2 (2016-2021). The accompanying planning statement seeks to advance a case for early release based on the lack of a 5 year land supply. In terms of housing numbers and a 5 year supply, the Applicant's case is not supported. Having regard to the Easingwold sub area there is a case for allowing this site in order to ensure that both the NPPF "+5%" target is met and also (through the use of appropriate conditions to manage release) that a planned supply is maintained throughout the LDF Phase 1. Early release in this way would be unlikely to result in any significant adverse impacts for the LDF.
- 6.2 The proposal is in general accord with the requirements of Policy EH1 in respect of housing numbers, density and proportion of affordable housing. Details of contributions towards off-site footway/cycleway links, education and Public Open Space are yet to be defined.
- 6.3 The proposed development is situated on a key gateway site to Easingwold and therefore delivering a high quality design is essential. The current proposal is considered to be out-of-character with Easingwold.
- 6.4 The Applicant has confirmed that an amended scheme is being drafted and will be submitted to the Council within the next few weeks, following which a further period of consultation with neighbours and consultees will take place.
- 6.5 The comments of the Local Highway Authority are awaited.

7.0 RECOMMENDATION

- 7.1 Recommend that the application be DEFERRED to allow for outstanding consultation responses to be received, to receive clarification on contributions identified in paragraph 6.2 above and for design improvements to be made to the proposal.

12/01211/DIS & 12/01212/DIS

Proposed Discharge of Condition 10 (Levels) & Condition 12 (Drainage) attached to planning permission ref: 11/01661/FUL for the construction of 93 dwellings, associated parking, highway works and the provision of public open space at OS Field 9972, York Road, Easingwold for Redrow Homes Yorkshire

1.0 BACKGROUND

1.1 Full planning permission was granted on 21st June 2012 for the construction of 93 dwellings, associated parking, highway works and the provision of public open space (ref: 11/01661/FUL). This planning permission is subject to 27 conditions, of which 17 are pre-commencement conditions.

1.2 Four separate applications to discharge conditions were submitted on 8th June 2012 (ref: 12/01210/DIS, 12/01211/DIS, 12/01212/DIS & 12/01213/DIS). All pre-commencement conditions have been satisfactorily discharged with the exception of condition 10 (levels) and condition 12 (surface water drainage) which read as follows:-

Condition 10 – Levels

Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Condition 12 – Surface Water Drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- *Surface water runoff shall discharge at the greenfield run-off from a 1 in 1 year storm.*
- *The applicant must also provide sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event, plus 30% to account for climate change, and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.*
- *Details of how the scheme shall be maintained and managed after completion.*

1.3 Under normal circumstances, officers of the Council would assess the information provided, request more information or amendments as required and subsequently approve or refuse an application to discharge conditions under delegated authority. However, in this instance, the Developer has begun construction in advance of

receiving approval for their proposals to discharge conditions 10 and 12. Moreover, the Applicant's proposal to increase levels in order to accommodate the proposed foul, surface and land drainage system goes beyond the conventional approach to site levels for reasons explained later in this report.

- 1.4 The proposed surface water and land drainage scheme has been subject to detailed consideration by the Council's Principal Engineer, Yorkshire Water, the Environment Agency and the Internal Drainage Board. Further information was requested by Officers and subsequently provided by Redrow Homes on 29th November 2012. This information has been made available for interested parties to view online.

2.0 THE DRAINAGE PROPOSAL

Engineering Design

- 2.1 As part of developing the engineering design solution for the site a number of specialist consultants were employed by Redrow:

- Lithos Consulting – Site Investigation and Earthworks;
- JBA – Flood Risk and Drainage Philosophy;
- Queensbury Design Ltd – Detailed Infrastructure Design;
- Betts Associates – Foundation Design.

- 2.2 As a result of the input from all the parties above, the strategy to elevate the finished levels on the site was developed. The need for this solution is to mitigate a number of design constraints.

Design Constraints

- 2.3 During site investigation and as part of the consultation, it became clear the site has a number of groundwater/drainage constraints that would have a direct impact on the engineering solution.
- 2.4 Below are the key areas that influenced the raising of the development levels above existing:

Flood Risk

- 2.5 The Environment Agency flood maps and associated correspondence confirms the development site is situated in Flood Zone 1 - Low Probability Flood Risk. However intrusive investigation, confirms high groundwater and waterlogging of low lying areas during winter months. This was highlighted within the JBA flood risk assessment, with the recommended mitigation measures:
- Raise finished development levels above existing;
 - Provide a series of new land drains across the site.

- 2.6 These measures are required in order to ensure risk of flooding from groundwater is low and therefore acceptable to future occupiers.

Surface Water Drainage

- 2.7 In accordance with the Flood Risk Assessment, rainwater run-off from all paved areas of the site is to discharge to Leasmires Drain. The discharge to the open watercourse is to be restricted to agricultural run-off rate (11l/s). In order to comply with this requirement, it is necessary to store a large volume of water both within the drainage network and within the site boundary, in order to mitigate the flood risk to others. This is to be achieved by way of storing water within oversized pipe-work and a grass storage basin. The basin will

be normally dry, with flooding only in more extreme rainfall. This system is particularly efficient on flat sites.

2.8 Due to the shallow nature of Leasmires Drain and the flat topography of the site, it would not have been possible to discharge by gravity to Leasmires Drain. This has been overcome by raising site levels, however if the existing levels had been retained there would have been a need for a surface water pumping station. A pumped surface water solution would have resulted in the following issues:

- Due to the need to manage large volumes of surface water the use of a pumping station significantly increases flood risk on a development. This is due to the high maintenance and breakdown/failure potential of a pumping station;
- Pumping stations are seen as a last resort by Yorkshire Water (drainage adopting authority) and as such a suitable justification as to why levels could not be raised would have needed to be provided to Yorkshire Water to maintain them as the adopting authority;
- Large proportions of the surface water drainage would have been constructed in the elevated water table. This would have resulted in a high risk of ground water ingress into the system. Yorkshire Water do not accept any groundwater within their systems;
- Surface water pumping cannot be considered as a long term sustainable solution where other alternatives are available.

2.9 Based upon the requirements of the Flood Risk Assessment and surface water drainage requirements for a gravity discharge, the proposals show that the development can be delivered by elevating ground levels from 0.0m – 1.3m.

Development Impact and Construction

2.10 The strategy to raise development levels is primarily to mitigate flood risk and provide a suitable surface water drainage solution for the development. However this engineering solution has some additional benefits:

- Existing land drains were recorded as part of the Flood Risk Assessment and a number of outfalls have been recorded as discharging to Leasmires Drain (watercourse bordering the site). As part of the requirements of the Flood Risk Assessment, a new land drainage system is to be installed. The raising of site levels, allows the land drainage to be sited in an elevated position, which in turn allows a gravity discharge to Leasmires Drain and minimises the effect on the natural groundwater levels;
- The plan footprint of the proposed land drainage system is however limited (as opposed to an agricultural system), due to the layout and proximity of the houses. Therefore the lifting of site levels provides increased protection against ground water flood risk to areas where the land drainage is minimised;
- Where there is a need for deep excavation (within the high water table), the trench stability is poor and heavily reliant on shoring and dewatering. This has significantly higher health and safety risks to the construction staff involved in the work. This has been minimised as a large proportion of the drainage and services are located above the water table (due to raising levels);

2.11 Where possible the impact of raising levels has been minimised against existing boundaries. However, retaining walls are needed on a portion of the western boundary and a small corner of the northern boundary. Once the development is complete, these retaining walls will be the only direct visible evidence of modifying ground levels on site.

3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 3.1 11/01661/FUL - Construction of 93 dwellings, associated parking, highway works and the provision of public open space as amended by plans received on 14 December 2011 (Granted on 21.06.2012)
- 3.2 There is no enforcement history other than relating to the conditions the subject of this report.

4.0 RELEVANT PLANNING POLICIES

- 4.1 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

The National Planning Policy Framework – March 2012

- 4.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied.

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP17 - Promoting high quality design
CP19 - Recreational facilities and amenity open space
CP21 - Safe response to natural and other forces

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP6 - Utilities and infrastructure
DP32 - General design
DP37 - Open space, sport and recreation
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

EM1 - Stillington Road/York Road, Easingwold (8.6ha)

5.0 CONSULTATIONS

- 5.1 It is important to note that the Town & Country Planning (Development Management) Procedure Order 2010 (as amended) does not require the local planning authorities to carry out consultation with local residents or the Parish Council. However, Officers have been in dialogue and have held meetings with both local residents and Easingwold Town Council in order to explain the Applicant's proposals.
- 5.2 Consultation has been carried out with various organisations in order to assist the Council in its consideration of the issues. The replies received are summarised as follows:-

Easingwold Town Council

- 5.3 The Town Council (ETC) has raised serious concerns about future drainage issues. ETC has identified that the Developer is raising the level of the site by up to 1metre with topsoil which is not solving the drainage problem but hiding it. The natural run off for existing York Road and Broadlea homes (officer note: the residential estate to

the north) is over the field where the developer is building. The raising of the ground levels will hinder the natural run off and cause back up flooding in the existing homes and gardens which will be detrimental to the amenity of neighbours. Also all new properties built by the Developer will be 1 metre higher than shown originally on the plans. The increase in levels can now clearly be seen as the contractor cabins are located on the original ground level and the foundations are laid for some of the new properties some 1 metre higher. The Council has also expressed concern about the ability of the on-site public open space to function properly.

HDC Principal Engineer

- 5.4 The flooding and drainage aspects of the original planning application for this development were considered in some detail, there were however the outstanding issues were distilled and the Developer was asked to provide further information on a number of key points.

Land drainage impact on surrounding land

- 5.5 In considering the flood risk relating to a new development, the two key aspects are that the flood risk to neighbouring properties is not increased and that the development itself is not subject to an inappropriate level of flooding. The use of 'inappropriate' is because design is to a standard and there is potential for a flood event to exceed the design standard wherever the development is located.
- 5.6 Concerns were raised about the impact of the new development on neighbouring properties on the existing Broadlea Estate, in particular the effect that the re-introduction of land drainage may have on the groundwater and water table level, it should be noted that land drainage is already present on the development site though not all parts of the system are working effectively. The other concern related to whether the existing development may be affected by surface water run-off from the new development.
- 5.7 The Developer's Consultants have provided supplementary information and expert review, JBA Consulting provided the original flood risk assessment and has provided supplementary information and Lithos Consulting as an expert review of the original site investigation information.
- 5.8 Site investigation revealed that the development area is made up of a topsoil layer on an upper layer of granular material (sand and gravel), the depth of the topsoil and upper granular layer is approximately 2 metres. Below the upper granular layer is a layer of firm clay, which as depth increases alternates with layers of granular soil. Groundwater is present in the upper granular layer and will typically flow from the higher ground to the north where the Broadlea estate is situated towards the lower ground in the south east and the Leasmires Drain watercourse.

(i) Groundwater

- 5.9 The Developer's Consultant Lithos, indicate that the flows in the upper granular layer will not be interrupted by the raising of levels on the development site. The Principal Engineer agrees that although additional material is being placed on the upper granular layer, due to the nature of the granular material it will not detrimentally affected by this additional materials and so there will be no significant impact on the groundwater flow through the granular material.
- 5.10 The other potential influences on the groundwater flows are the construction of the new properties and the re-introduction of land drainage; these could potentially interrupt or prevent the passage of groundwater. The Developer has confirmed that the foundations of the new properties and the land drainage will extend through the

new fill and into the upper part of the granular layer though they will sit just above the usual groundwater level, so again the groundwater flows will not be interrupted.

- 5.11 The re-introduction of the land drainage is to control shallow groundwater, so this would come into operation in instances when the upper granular layer becomes saturated; it is not designed to dewater the groundwater which is present in usual circumstances either in the area of the development site or the wider area which includes the Broadlea estate properties.

(ii) Surface Water run-off

- 5.12 The other area of concern relating to flood risk to the existing neighbouring development is surface water run-off from the new development. Surface water on the new development is managed by surface water sewerage system and a land drainage system.
- 5.13 The surface water sewerage system will ultimately be adopted by Yorkshire Water Services limited, this system accepts surface water from highways and hard surfacing around domestic properties (Roofs and driveways). The levels across the site have been designed so that in the event that the surface water sewerage system's capacity is exceeded the excess surface water will flow naturally towards the southeast of the new development, away from the existing Broadlea Estate and discharge to the Leasmires drain watercourse.
- 5.14 The land drainage system is in place to manage shallow groundwater and will also deal with standing surface water as it percolates through the ground. Land drainage is located in the gardens of the new properties and crucially in the rear gardens of properties that abut the existing Broadlea estate properties to manage excess surface water that may occur in extreme storm events.
- 5.15 The developer will have a property management company in place to manage the public open spaces and land drainage in the public spaces, where land drainage is located in residential gardens it becomes the responsibility of the house owner. Purchasers should be made aware of the land drainage installation by the Developer and their duties in relation to its maintenance; the Principal Engineer advises that guidance on maintenance requirements is given to property owner.

Public Open Space

- 5.16 The Public Open Space located on the south eastern corner of the new development is proposed by the Developer to have dual function, public open space and as a dry basin for excess surface water.
- 5.17 The computer modelling on the surface water sewerage system and its reaction to rainwater indicates that surface water may start to enter the basin during some rain storms that occur once every two years. During a 1 in 30 year event the depth of surface water is estimated at just over 500mm and in the 1 in 100 year event including an allowance for climate change the surface water depth is estimated at just less than one metre.
- 5.18 The design and proposed construction of the basin is to allow in usual circumstances for the basin to be dry, the sides of the basin are graded to allow its use by the public. The construction of the basin incorporates an impermeable layer that will not allow groundwater to enter into the basin and land drainage is incorporated in the basin to manage groundwater above the impermeable layer. Surface Water flows into and out of the basin through the overflow pipe from the public surface water drain, due to the generally short-lived nature of flooding in the area standing water in the basin should not be prolonged.

- 5.19 The Principal Engineer advises that there should be a management mechanism for maintenance of the basin if debris is present after flooding.
- 5.20 The Developer is using a design for the construction of the basin that has been utilised successfully on another one of their developments. The proposed design appears to have the characteristics that will allow it to operate as a dry basin in usual circumstances and the cross-section does not appear too extreme that it cannot be used for recreational purposes.
- 5.21 Even with the best design of this basin, its use as a public open space is compromised to an extent by its double function, the extent of the compromise is arguable.

Yorkshire Water

- 5.22 Yorkshire Water has no objection in principle to:
- i) The proposed sewer and disposal main diversions.
 - ii) The proposed separate systems of drainage on-site and off-site.
 - iii) The proposed amount of domestic foul water to be discharged to the public foul/combined water sewer (primarily via pumped outlet).
 - iv) The proposed point of discharge of foul water to the public foul/combined water sewer as submitted on drawing QD651-03-01 (revision D) dated 30/04/2012 that has been prepared by Queensbury Design.
- 5.23 The submitted drawing shows surface water proposed to be drained to watercourse via storage with restricted discharge.

Environment Agency

- 5.24 Have confirmed that sufficient information has been submitted in order for conditions 11 and 12 to be discharged.
- 5.25 Request that the Internal Drainage Board agree the surface water discharge rate with the Applicant.

Kyle & Upper Ouse Drainage Board

- 5.26 Comments awaited.

6.0 OBSERVATIONS

- 6.1 The proposed drainage scheme and the necessity to increase levels across the application site has focussed attention on four issues, namely: (1) land drainage impact on surrounding land (2) York Road streetscene (3) impact on neighbour amenity (4) function of public open space. Each issue is examined in turn:-

Land drainage impact on surrounding land

- 6.2 Policy DP6 of the adopted Development Policies DPD states that: "Proposals for new development must be capable of being accommodated by existing or planned services (whether supplied by utility providers or the development itself), and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the existing community. These systems will include off-site service infrastructure, surface water, sewage disposal, water and sewerage facilities, flood risk defences and control facilities, power and any other public services."
- 6.3 As detailed within the Principal Engineers comments, the proposed surface water drainage and land drainage scheme will ensure that the application site is properly

drained and will not have a detrimental impact on the neighbouring Broadlea estate, neighbouring properties along York Road or allocation sites to the north and south.

York Road Streetscene

- 6.4 In order to meet the requirements of the Flood Risk Assessment and develop a surface water drainage scheme that discharges by gravity, levels have been elevated across the site by between 0.0m – 1.3m. The greatest increase in levels is towards the York Road frontage. Consequently, it is important to evaluate how the increase in levels affects the streetscene along York Road in terms of achieving high quality design, as required by Policy DP32 of the Development Policies DPD and guidance contained within the NPPF.
- 6.5 The Developer has provided a streetscene drawing which demonstrates how the approved dwellings will sit within the streetscene at the increased level. Given that the development is now retrospective, it is possible to assess the impact on site. A series of up-to-date photographs will also be shown to Members.
- 6.6 The streetscene drawings and its associated levels plan shows that the finished floor levels of Plots 1 to 5 and Plots 92 to 93 are approximately 0.2m above the level of York Road. In addition, the finished floor level of Plot 93 is comparable to the adjacent dwelling (Providence Nook) whilst the finished floor levels of Plot 1 are 0.43m higher it's neighbour to the south (St. Crispin). This relationship provides an acceptable streetscene both in terms of its relationship to the road and the existing neighbours and therefore accords with the objectives of Policy DP32.

Impact on Neighbour Amenity

- 6.7 Policy DP1 of the adopted Development Policies DPD requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance. This policy stipulates that developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings and not unacceptably affect the amenity of residents or occupants.
- 6.8 The most significant change in site levels occurs adjacent to St. Crispin, which is a detached bungalow standing on York Road. St. Crispin also borders the application site immediately to the south.
- 6.9 A retaining wall has been constructed along the mutual boundary between St. Crispin and Plots 1 & 9 and varies between 0.5m and 1.1m in height. The retaining wall is topped by a close boarded fence which maintains privacy for all occupiers.
- 6.10 The streetscene drawing shows that the ground level locally (garden) falls away from St. Crispin (the dwelling itself) to the mutual boundary where the retaining wall has been constructed. As identified above, the finished floor level of Plot 1 is 0.43m higher than St. Crispin whilst Plot 9 approximately is 0.53m higher.
- 6.11 The Flood Risk Assessment submitted with the original application confirmed that finished floor levels would be set at a minimum of 0.3m above the nearest existing bank level of Leasmires Drain. Clearly, the difference between the finished floor levels identified within the FRA and those constructed is minimal. Notwithstanding this position, the original application did not identify the need for a retaining wall along the northern and eastern boundaries of St Crispin. This retaining wall will be around 3m in height at its highest point to the north-eastern corner of St. Crispin's garden, although the boundary wall reduces to approximately 2.4m in height adjacent to the dwelling itself.
- 6.14 Whilst the proposed boundary treatment is taller than a conventional 1.8m high fence/wall, it will allow for adequate levels of privacy to be maintained between

existing and future occupiers. In addition, the outlook/aspect from St. Crispin will not be compromised as the dwelling itself stands over 11.5m from its northern boundary and over 52m from its southern boundary. Finally, the boundary treatment has been constructed using quality materials and is not visually intrusive.

- 6.15 The side elevation of Plot 1 stands approximately 13m from the side elevation of St. Crispin, whilst the rear elevation of Plot 9 stands over 44m from the rear elevation of St. Crispin. These distances substantially exceed the Council indicative separation distances of 21m rear to rear elevation and 2m side to side elevation. Consequently, the proposed increase in site levels of 1.1m (max) will have little impact on the amenity of the occupiers of St. Crispin over an above that anticipated by the approved layout. Elsewhere, the change in levels close to neighbouring dwellings are relatively minor do not have a detrimental impact on the amenity of neighbouring residents by virtue of reduced separation or additional overlooking.

Function of Public Open Space

- 6.16 Policy DP1 of the adopted Development Policies DPD stipulates that development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development.
- 6.17 In addition Policy DP37 of the Development Policies DPD requires new housing developments to contribute to towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 6.18 The approved layout contains an area of public open space to the south-eastern corner of the site which has a dual function as dry basin for excess surface water. This space would be used as an informal kick-about area and would not contain children's play equipment.
- 6.19 Following concern expressed by the Town Council and Local Members, Officers have sought confirmation from the Developer that the public open space will drain effectively and be usable as play space.
- 6.20 The Developer is using a design for the construction of the basin that has been utilised successfully on another one of their developments. The proposed design appears to have the characteristics that will allow it to operate as a dry basin in usual circumstances and the cross-section does not appear too extreme that it cannot be used for recreational purposes.
- 6.21 The Council's Principal Engineer concludes that even with the best design of this basin, its use as a public open space is compromised to an extent by its double function, the extent of the compromise is arguable.
- 6.20 Both the Statement of Community Involvement and the Flood Risk Assessment submitted with the original application made reference to the public open space doubling up as a balancing pond which would only contain water in the event of a 1 in 100 or 200 year flood. Although this proposal was not clearly translated onto the site layout drawings submitted with the original application.
- 6.22 Despite the conflicting information submitted with the original application, it would be unreasonable to require the Developer to make further provision on the basis that a second area of public open space exists towards the centre of the site and a contribution of £79,132 towards off-site POS provision has already been made.

6.23 Under the circumstances, it would be more appropriate for the Council to reconsider its approach to agreeing dual use public open space / dry basins, as contributing to the development's public open space requirements.

7.0 RECOMMENDATION

7.1 **GRANTED** - for the reasons given above and having regard to all other matters raised, it is recommended that application to discharge conditions 7 and 10 be granted.

3

12/01570/FUL

**Change of use of a leisure plot to a private gypsy site for one family as amended by plan received by Hambleton District Council on 18 September 2012..
at Field East Of Hailstone Moor Bullamoor North Yorkshire
for Mr P Lovell.**

APPLICATION DETAIL

Change of use of a "leisure plot" to a private gypsy site for one family as amended by plan received by Hambleton District Council on 18 September 2012.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks consent for change of use of a "leisure plot", a garden area for social and domestic pleasure purposes, to a private gypsy site for one family. The site would utilise the existing vehicular access, provide 2 parking spaces, a hardstanding for a static caravan and a touring caravan, private amenity space and a paddock area.

1.2 The site is located on a plot of land to the south of Scholla Lane in Bullamoor. The application site is formerly agricultural land but received a certificate of lawfulness for use as a "leisure plot", a garden area for social and domestic pleasure purposes, in December 2004. The land currently resembles a domestic garden and contains children's play equipment, garden sheds and patio furniture, together with two unoccupied caravans. There is screening to the boundaries with deciduous hedgerows approximately 3 metres high.

1.3 The application was deferred at Planning Committee in November 2012 as to allow the implications of the Ings Lane, Great Broughton appeal decision (Ref: APP/G2713/A/12/2174527) to be considered and for further information on:

- a) Landscape impact.
- b) Highway safety and damage to verges.
- c) Sustainability of the location.
- d) Sanitation, water and electricity.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/04/110/0180A - Application for a Certificate of Lawfulness. The application was submitted in October 2004 as the plot of land had been used as a "leisure plot", as a garden area for social and domestic pleasure purposes, in excess of 10 years. The application was granted 21 December 2004.

2.2 06/01476/OUT - Outline application for the erection of six log cabins. Refused 22 August 2006. Appeal dismissed 29 March 2007.

2.3 No relevant enforcement history.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Development Policies DP4 - Access for all

Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP14 - Gypsies and travellers' sites
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

National policy in Planning Policy for Traveller Sites (March 2012) is considered in section 5 below.

4.0 CONSULTATIONS

4.1 Parish and Town Councils;

Osmotherley Parish Council – It has been brought to my attention that a planning application has been submitted under the above ref No to develop a Gypsy site on a greenfield site on the border between the parishes of Northallerton and Sowerby under Cotcliffe or Kirby Sigston.

I have been approached both by residents of the parishes concerned and by a Member of Osmotherley Area Parish Council all of whom have strong objections to this planning proposal. The grounds against the proposal include the inadequate location, the potential that this will not remain within its current boundaries and the fact that none of these parishes have identified that site or any other site within that part of Hambleton as being suitable to provide for a development for this community.

Currently the proposal is for one temporary or transient type dwelling. Recent planning history would indicate that temporary or similar homes are not permitted as was the case when a near neighbour submitted a plan to erect a small number of similar homes on a redundant Poultry unit. If one application can be rejected then this application must be viewed in a similar vein and also be rejected. We trust that the same planning principles will apply in this instance and that your Officers and the Planning Committee will be like minded with this proposal, received 21 August 2012.

Osmotherley Parish Council – Revised plans relating to amended parking and turning area - it is considered that this site is not a suitable location for a Gypsy site of any category and that this application should be refused, received 9 October 2012.

Northallerton Town Council - Wishes to see the application refused for the following reasons;

- a) The site is in an inadequate location
 - b) Highway access concerns
 - c) The site is not sustainable and will inevitably exceed one family occupation
 - d) Gypsy families are usually large and therefore the site will be quickly fully occupied
 - e) Concerned about the number of neighbourhood complaints verbally to local Councillors,
- received 19 September 2012.

Northallerton Town Council - Revised plans relating to amended parking and turning area – Wishes to see the application refused, received 18 October 2012.

4.2 NYCC Highways – The Highway Authority has previously raised concerns in relation to the parking layout and the access arrangement for this proposal. The applicant's agent has provided a revised layout showing an acceptable parking layout however the concerns with regard to accessing the site remain as the gates are opened and closed. A condition is attached for details to be submitted, approved and implemented to alleviate this issue,

received 26 October 2012. The Highway Authority therefore have no objections to the development subject to the relevant conditions.

4.3 Environmental Health – With regard to the above application, as my previous concerns appeared now to have been answered, i.e.

- a) Specifications of a septic tank have been received.
- b) Confirmation that mains electricity is to be installed and no generators will be used on site
- c) Confirmation that arrangements are to be made with the Council for the collection of household waste.

I would now have no objections to the proposal, received 3 October 2012.

4.4 Allertonshire Civic Society – Would like to see the application refused and submitted the following comments;

- a) Concerned about the scale of “one Gypsy or Traveller family”.
- b) No provision for rubbish disposal.
- c) Availability on other traveller sites within the area.
- d) Not compatible with the surrounding area.

4.5 Neighbours were consulted and site notices posted – several site notices have been displayed at the site but have been removed or re-sited. The Planning Officer replaced the notices on 3 occasions and consulted neighbours in the wider area. The following comments have been submitted:

- a) The site is too small/narrow.
- b) There are no mains water, electricity or sewage system.
- c) Highway safety, access, vehicle parking, visibility, narrow road, blocking of highway by vehicles, use of larger vehicles, increase in traffic.
- d) The proposal would set a precedent for other families to join the site.
- e) No objections to the proposal.
- f) It's better than having Gypsies on the side of the road.
- g) It will be good to see some diversity.
- h) What does one family mean? Potential expansion.
- i) Hailstone Moor is a small hamlet in a Conservation Area and should remain so.
- j) How will occupancy numbers be restricted?
- k) The site will not be for someone who is local to the area.
- l) The site already creates problems with burglaries, fires, horns blasting, excess traffic, cars parked in passing points for long periods, dogs barking all night and RSPCA visits. These problems would be further exacerbated.
- m) Concerns regarding refuse disposal, “fly tipping”, untidy site.
- n) It would cause worry for elderly residents near to the site.
- o) New housing development will not be granted in Sowerby Under Cotcliffe.
- p) In this area new dwellings are only allowed in relation to agriculture. This will allow for a total change in policy.
- q) The supporters of this application do not live in the area and would not be affected by the development.
- r) The site is rural, isolated, no street lighting, no pavements, no access to public transport, dependency on cars.
- s) No provision of a children's play area in or close to the site.
- t) The proposal would, rather than integrate a traveller family, it would serve to further isolate them.
- u) Where will the horses be kept? Will they be tethered to the roadside? Safety for other horse riders and road users.
- v) Visual impact of the development. Will the hedgerow be removed or lowered?
- w) Does not comply with Planning Policy for Traveller Sites.
- x) New entrances require permission.
- y) Certificate of lawfulness only valid until December 2009.
- z) There is a need for sustained living for the travelling community.

- aa) Vehicles can park inside the property. The neighbours park on the highway. This is no different.
- bb) Horses can be kept inside the site and not tethered to the highway. There is another horse breeder in the area.
- cc) Gypsy and Travellers should not receive special treatment, their needs should be balanced against those of the settled community.
- dd) This application is submitted by a private individual and not a gypsy or traveller.
- ee) Is there a need for a Gypsy site in the area?
- ff) Gypsy and travellers prefer to live in organised communities rather than single family sites.
- gg) The traveller community, other interested parties and local authorities should determine the location and size of any site or community.
- hh) A soakaway would not work.
- ii) Discrepancies in the Preliminary Assessment of Land Contamination (PALC) form.
- jj) The site is within the Special Landscape Area, previous application refused due to visual impact. Have the planning laws changed?
- kk) Impact on the value of properties.

5.0 OBSERVATIONS

5.1 The main issues for consideration are detailed within the policies of the Hambleton Local Development Framework, as identified above, particularly policy DP14 on Gypsy and travellers' sites, and relate in this case to: the need for additional gypsy accommodation; whether the location is sustainable; access to services and facilities; visual impact on the landscape; whether the site provides an acceptable living environment; highway safety; and impact on the amenity of local residents.

5.2 Government's Planning Policy for Traveller Sites, published March 2012, requires that;

- Applications are assessed and determined in accordance with the presumption in favour of sustainable development.
- That local planning authorities should consider the lack of local provision and need for sites
- The availability (or lack) of alternative accommodation for the applicants; other personal circumstances of the applicant.
- That the locally specific criteria used which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
- That they should determine applications for sites from any travellers and not just those with local connections.

Local planning authorities should also ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on the local infrastructure. The policy sets an expectation that planning authorities will demonstrate an up-to-date five-year supply of deliverable gypsy and traveller sites from 27 March 2013.

5.3 The Hambleton District Council Traveller Housing Needs Study (September 2012) identified that there would be a net requirement of 26 new pitches from 2012-2027. There is likely to be a net growth in household numbers of 11 due to household formations on public sites, and the remaining 15 pitches are for private sites and to address current unauthorised developments and encampments as well as likely future household formation from the current local households. Of the 15 private pitches, there is a district-wide need for 9 pitches in the period 2012-2017, 3 in the period 2017-2022 and 3 in the period of 2022-2027. The reason for the higher immediate requirement is the need to address the current unauthorised sites in Hambleton. No new pitches have been approved or become available since the study was published and the needs remain as stated. Furthermore, it should be noted that there are no Gypsy sites in or around Northallerton, the District's main centre. The Council has no current firm proposals to develop new sites, but a call for private sites is to be undertaken soon, with a view to bringing forward new pitches to meet the established needs through inviting planning application submissions on any identified appropriate sites. This

site therefore represents one of the few current opportunities to help meet the current need in Hambleton for private pitches.

5.4 The site lies outside the development limits of a sustainable settlement and is within the open countryside. Consequently, there is a strong presumption against new residential development on the site other than for exceptional cases or for use by certain types of occupier. Policy DP14 would allow the establishment of gypsy sites outside development limits where certain criteria are all met, in particular where the scale, location or type of existing provision is inadequate. The criteria within Policy DP14 state that sites should be located within reasonable distance of service and community facilities; within or close to a Service Centre or Service Village; provide an acceptable living environment; be of an appropriate size; have a safe and convenient access to the road network; avoid creating demonstrable harm to the amenity of existing communities and surrounding environment; and not be located on contaminated land. These criteria are considered in turn below.

Given that there is a district wide need for 9 additional private pitches by 2017 and an immediate need to address the current unauthorised sites in Hambleton, and that Planning Policy for Traveller Sites seeks to address the needs of the local community by accommodating households who are either current residents or have existing family or employment connections, it is considered appropriate to attach a condition to ensure that the site is occupied by a person with local connections.

DP14 criterion i: distance to services and community facilities within or close to a Service Centre or Service Village (sustainability of the location)

5.5 The application site is outside development limits and is located approximately 1.8km from the edge of Northallerton. Northallerton has been designated as a Service Centre within the Settlement Hierarchy and there is access within the town to all necessary services. This is the issue that the Ings Lane, Great Broughton, decision is most relevant to. The appeal at Ings Lane (Ref: APP/G2713/A/12/2174527) was for a single Gypsy family on one of several plots that had been formed, and the site is located approximately 1.5km south east of Stokesley which is a similar distance to this proposal. The Inspector noted that the appeal site at Great Broughton was for a single plot of a much larger site and, if allowed, would lead to applications for residential use of other plots which would then be difficult to refuse. The Inspector therefore took account of the cumulative impact if the whole larger site were to be developed with up to 10 plots or more, some of which were occupied unlawfully at the time. The Inspector clearly stated that Gypsy sites at Moor Lane, Bagby and at Easby Road, Stokesley did not form a precedent for Ings Lane because they were small single family sites, and that makes it equally difficult to argue that Ings Lane forms a precedent for this site. Accordingly, this application must be assessed on the basis of the single family occupation proposed. It was noted that the footpath from the Great Broughton site was rough, uneven and in parts unlit and would therefore be little if ever used. It also lacked public transport near to the site so the occupiers of the larger site would be heavily reliant on the private car and the location was therefore deemed unsustainable.

5.6 The Ings Lane Inspector referred to the recent appeal at Bagby where it was concluded that although Bagby is approximately 5 km from Thirsk the site was for a single family, with no indication that it would lead to a much larger development. The proposal would not therefore create excessive vehicle movements and the development was acceptable on sustainability grounds. Other single gypsy sites within the district such as Easby Road, Stokesley and Hillside View, Tame Bridge are 1.5km and 1.2km, respectively, from nearby settlements and were also considered acceptable on sustainability grounds. The Bullamoor site is accessible by local roads and lies just off Scholla Lane, which leads directly into Northallerton. It is regularly used by dog walkers and people undertaking leisure activities, and this route is metalled, and provides direct pedestrian or cycling access to Northallerton. However, the road does not have footways, is unlit, steeply inclined in parts and it is a significant distance to the services within the centre of Northallerton. Whilst the route maybe used in daylight hours it is considered that the occupiers are more likely to rely on the private car, given there is no bus service nearby. The adjacent public footpath which leads to

Scholla Lane through a field only forms a small section of the route into the town. At about 1.8km from Northallerton's urban fringe, the site lies just over the guideline of one mile from the edge of a Principal Service Centre as recommended by the consultants in the recent HDC Travellers Housing Needs Study. However, taking account of the safety and convenience of the route to town and given that the Inspector concluded that the Bagby site, at 5km from Thirsk, was acceptable on sustainability grounds, and the Council concluded that the Stokesley and Tame Bridge sites were also acceptable, it is considered that as this scheme is for a single family site, with no indication that it will lead to a much larger development, it is acceptable in terms of location and sustainability. The proposal therefore complies with Policy DP14 criterion i.

DP14 criteria ii & iii: quality of living environment and size of site

5.7 The site is a suitable size for one gypsy family as proposed. There is sufficient room for a caravan, touring caravan, associated vehicles, buildings, parking, private amenity space, allowing sufficient space for children to play, and a paddock for any horses. The site would provide an acceptable living environment. A site for one gypsy family is appropriate in terms of respecting the scale and density of the existing sporadic residential development in the vicinity, It would not dominate the local settled community nor place undue pressure on local infrastructure. There are concerns from nearby neighbours regarding the size of the family and the number of residents on the site. A condition can be attached to any approval to control the number of caravans on site at any one time and it is normal practice for such conditions to state one static caravan and one touring caravan. It should also be noted that the site is for one gypsy family and any expansion to this, including any additional infrastructure or caravans, would require planning permission. Specifications of a septic tank have been received and are considered acceptable, water would be supplied to the site, mains electricity is to be installed and no generators would be used on site, and arrangements are to be made with the Council for the collection of household waste, similarly to any other residential property located within the countryside. The proposal therefore complies with Policy DP14 criteria ii and iii

DP14 criterion iv: safe and convenient access to the road network

5.8 In terms of highway safety; the site is accessed off a narrow single track road and there are concerns from the nearby residents that the proposed use would impact upon highway safety. During the Planning Officer's site visits (1 visit with access into the site, 3 visits to the surrounding area) it was noted that the road was not intensively used but there was the occasional dog walker and passing vehicle. The existing leisure plot is already accessed on a regular basis and whilst vehicle movements to a residential site would be greater, the Highway Authority has not raised any concerns over use of the road and it is therefore felt that movements would not be so significant to impinge on highway safety. There are concerns from interested parties regarding the types of vehicles which are likely to access the site and use the nearby road network. The road network is currently used by large vehicles, particularly those from nearby farms, without blocking the roads or creating highway safety issues. It is therefore considered that any larger vehicles such as caravans or horse trailers are unlikely to cause significant highway problems. The Highway Authority had previously raised concerns in relation to the parking layout and the access arrangement for this proposal. The applicant's agent has provided a revised layout showing an acceptable parking layout however the concerns with regard to accessing the site remain as the gates are opened and closed. NYCC Highways have suggested a condition is attached for details to be submitted, approved and implemented to alleviate this issue, which is therefore resolvable. There were concerns from Members of the Planning Committee that the proposal would result in damage to the highway verges outside the site access. It is noted that this section of the road is fairly narrow and that vehicles exiting the site may clip the highway verges on occasion, particularly when towing horse trailers or caravans. However, it is felt that this will not cause unacceptable damage to the verges, have a significant visual impact upon the character and appearance of the surrounding or affect highway safety. During a recent site visit it was noted that the highway verges are currently in reasonably good condition, even after recent adverse weather conditions, and it is

reasonable to assume they would remain so if the proposal is granted permission. The proposal therefore complies with policy DP14 criterion iv.

DP14 criterion v: demonstrable harm to the amenity of existing communities or the natural, archaeological or historic environment

5.9 With regard to the effects on local residents; it is acknowledged that the prospect of land being used for a gypsy site can cause tensions in a local community. There are neighbouring properties near to the site, the closest being Ashgrove which is approximately 30 metres south west of the site. Other neighbouring properties are within approximately 100-250 metres of the site. It is considered that whilst a residential use for one gypsy family would create an intensification of use, it is felt that the disturbance would not be so significant as to unacceptably harm the amenities of the nearby neighbours. Furthermore, the site is a long narrow strip where the hardstanding, caravans and amenity space are to be sited at the northern end, with the paddock area to the southern end. This would assist in limiting any noise from the domestic use, although this would clearly be very limited given the application is for a single family. The Environmental Health service has raised no objections to the proposal.

5.10 With regard to environmental impact; the site is not located within a Conservation Area, or area of archaeological potential or Area of Outstanding Natural Beauty. A number of interested parties have made reference to the site being within a Special Landscape Area. Land designated as a Special Landscape Area was detailed within the redundant District Wide Local Plan and does not form part of the adopted Local Development Framework. Nevertheless, the visual impact of the proposal upon the character and appearance of surrounding countryside and any detrimental effect it may have upon the immediate environment and any important long distance views needs assessing. The site is well screened by existing landscaping and there are a number of existing buildings already located on the site. These buildings are reasonably well screened and do not have an unacceptable impact upon the surrounding countryside. A condition can be attached to any approval to prevent the removal and reduction in height of the boundary hedgerows. If for any reason the hedgerows become damaged or diseased and need to be removed then this could potentially result in the application site being visible and more prominent within the surroundings. A condition can be attached to ensure that the hedgerows are re-planted if this occurs. Requiring new hard boundary treatment with walls or solid fences would be undesirable. There is extensive landscaping along nearby residential boundaries, field boundaries and highway verges. When approaching the site from the north and south it is well screened by high road side verges and established hedgerows. There are intermittent trees scattered throughout the landscape which provide additional screening of the site from various roadside points. Furthermore, there are domestic and agricultural buildings near to the site therefore any buildings within the site are unlikely to appear as alien features or overly prominent, particularly if they are painted a darker colour such as green or brown. There is a nearby public footpath but the path appears to be rarely used. The main impact, if any hedgerows were removed, would be along the roadside adjacent to the site. The visual impact is likely to be similar to the existing use given that the site is currently occupied by caravans and other structures. Whilst there would be an immediate visual impact upon the surroundings it is unlikely to be greater than the existing use and would not harm any long distance views. It is therefore considered that the proposed use would not cause a significant unacceptable impact upon the visual amenities of the surroundings. The proposal therefore complies with policy DP14 criterion v.

DP14 criterion vi: contaminated land

5.11 The Environmental Health has raised no objections to the application regarding land contamination. The proposal therefore complies with Policy DP14 vi.

SUMMARY

It is considered that the proposal is acceptable as the site will provide a sustainable private gypsy site for one family in accordance with the Development Plan policies noted above, the Planning Policy for Traveller Sites and the findings of the Hambleton District Council Traveller Housing Needs Study.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the plans received by Hambleton District Council on the 27 July 2012, 8 August 2012 and 18 September 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The number of caravans on the site shall be restricted to no more than one static caravan and one touring caravan.
4. The occupation of the static caravan hereby approved shall be restricted to a single gypsy or traveller family.
5. The land hereby approved shall not be used other than as a Travellers Pitch, as defined within Planning Policy for Traveller Sites, and for the keeping of horses for domestic and/or hobby use in conjunction with the Travellers Pitch use of the site, and not for any other type of domestic or business use.
6. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
7. No part of the existing boundary hedge along all four boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 3 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority. Any part of the hedgerow which dies, becomes seriously damaged or diseased, shall be replaced with another hedgerow of similar size and species.
8. Prior to development commencing, details of the static caravan, including siting, appearance and colour of external surfaces shall be submitted to and approved in writing by the Local Planning Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published

Specification of the Highway Authority and the following requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority. (ii) Any gates or barriers shall be erected so that they shall not be able to swing over the existing highway. (iii) The final surfacing of any private areas within the site shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) a vehicular access large enough to allow a vehicle to pull off the carriageway whilst the gates are being locked/ unlocked.

12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. No person or persons shall occupy all or any part of the Gypsy site hereby approved unless he/she is a person in need or such accommodation and who immediately prior to the granting of this planning permission: a) has been ordinarily resident within the District of Hambleton for a period of at least twelve months; or b) has a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the District of Hambleton for at least twelve months; or c) is employed within the District.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16, DP30, CP17 and DP32.
3. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30.
4. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30.
5. To ensure the site is occupied in association with the use of the site as a gypsy caravan site, safeguard the character of the area and safeguard the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP4, CP8, CP16, DP1, DP9, DP14 and DP30.

6. In the interests of the visual amenities of the locality in accordance with Policies CP16 and DP30 of the Hambleton LDF.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
8. To safeguard the visual amenities of the area.
9. In the interests of highway safety.
10. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
13. To ensure that the site is occupied by a person(s) with local connections in order to meet the needs of the local Gypsy and Traveller community.

4

12/02375/FUL

Improvement works to existing vehicular access and change of use of agricultural land to form a caravan site to include the provision of 10 touring caravan pitches as amended by plan received by Hambleton District Council on 15 January 2013. at The Oaks Fishing Lakes Station Road Sessay North Yorkshire for Mr D Kay.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the change of use of existing agricultural land to form a caravan site at The Oaks Fishing Lakes, Station Road, Sessay. The scheme also includes improvement works to the existing vehicular access to the site. The proposal is being brought before Members of the Planning Committee at the request of the Ward Member. Amended details have been received on 15 January 2013 indicating additional landscaping and removing the access loop serving the proposed pitches.

1.2 The applicant advises that the fishing lakes were established in 1996 from the former brick works and ponds on site. There are 9 fishing lakes and 400 pegs. The applicant advises that at peak summer season 300 fishermen arrive on an average weekend falling to 40 mid-week. In the winter season these figures fall due to the weather conditions. The area the subject of the proposed change of use has been fallow agricultural land since 1999. The applicant is responding to demand from users of the site for a touring caravan facility. The applicant advises that the 10 touring caravan pitches proposed would be serviced by the existing toilet block on site.

1.3 The site the subject of the change of use is bound to the west by a bund and landscape belt. The remainder of the land is open grassland. The applicant is proposing landscaping to the remaining boundaries of the field and immediately east of the 10 pitches.

1.4 Access to the site would be via the existing vehicular access from the public highway to the south linking Dalton with Sessay. To permit on-site manoeuvring a circular access track is proposed to service the proposed 10 pitches. A turning area is proposed to the north of the indicated pitches. The existing access tracks are currently formed of hardcore. The proposed access tracks and pitches would also be formed of hardcore.

1.5 The improvement works to the existing access would involve the widening of the track near to the entrance along with the width of the bell mouth.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/98/129/0097 - Formation of fishing lakes with associated car parking facilities; Granted 1998.

2.2 2/00/129/0097A - Formation of a fishing lake and extension to existing lake, siting of two portable buildings to provide reception, take-away food and shelter facilities and construction of a building to provide toilet; Granted 2000.

2.3 2/01/129/0097B - Siting of a portable building for use as an anglers' shelter; Granted 2001.

2.4 2/02/129/0097C - Formation of a fishing lake to incorporate the use of existing agricultural land; Granted 2003.

2.5 2/05/129/0097D - Construction of a cafe at existing fishing lakes; Withdrawn 2005

2.6 2/05/129/0097E - Formation of two anglers fishing lakes and reserve by-pass lake and associated landscaping; Granted 2005.

2.7 05/02192/FUL - Construction of a shop and café; Granted 2005.

2.8 12/00250/CAT3 – Enforcement Enquiry: Change of Use - Agricultural engineering business, funeral directors, market garden; Pending Consideration.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Sessay and Hutton Sessay Parish Council - Object to the application and wish to see the matter refused for the following summarised reasons: site will require caravan site licence, site would not meet caravan site licence standards, ample provision of existing camp sites either stand alone or with fisheries in the locality, size of site proposed, visual impact, impact on neighbour amenity: operational hours, noise, smoke, vermin, litter, grade of agricultural land proposed to be used, outside development limits, precedent for future development, local services to sustain a tourist facility, impact on local economy, no benefit to local community, refused development at 'The Bungalow' nearby, not high quality design of caravan site, traffic circulation, connectivity to public/sustainable transport, not sufficient on-site amenities, highway safety: local road network, nearby railway bridge, sufficient electricity supply, on-site drainage, local drainage issues.

4.2 NYCC Highways - Conditions/informatives recommended regarding private access/verge crossings construction requirements, and the adjacent public right of way.

4.3 Environmental Health - In relation to the proposed planning application, the applicant will have to apply to this Service for a caravan site licence under the Caravan Sites and Control of Development Act 1960.

4.4 Yorkshire Water - From information submitted, no comments are required from Yorkshire Water. It is noted that the site's existing septic tank system is being used for foul water drainage, with surface water to soakaway.

4.5 Neighbours notified and site notice posted; expired 27.12.12 - 10 responses received, in summary mainly regarding: notification of the application, inaccurate OS map, other sites for caravans in the locality, facilities on site, noise impact, impact on property and quality of life, adverse impact on access and highway safety, negative impact on rural environment,

increased levels of traffic, justification for accommodation on site, visual impact and that the scheme is of no benefit to the immediate community.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed use in this location, any impact on the visual amenity of the surrounding area, any impact on neighbour amenity, and any highway safety issues that may arise.

5.2 Policy CP4 of the Hambleton Local Development Framework (LDF) supports development outside of settlement limits when an exceptional case can be made for the proposals in terms of policies CP1 and CP2 of the LDF and where it is necessary to meet the needs of (where relevant) tourism with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy. Policy CP1 of the LDF requires development to be sustainable and CP2 focuses on the minimising of the need to travel.

5.3 From the submitted information it is clear that the proposal would be necessary to meet the needs of tourism and by way of the existence of the fishing lakes to which the pitches would be related, there is an essential requirement for their location in the countryside. Due to the scale of the proposed enterprise, and the way in which the enterprise operates it is considered that the 10 pitches would help to support a sustainable rural economy through sustaining and enhancing the existing fishing lake enterprise and the way in which this contributes to the local economy through job provision and goods and service demand. The proposal would therefore adhere to policy CP4 of the LDF. The complimentary nature of the pitches, and that users of the fishing lakes will be able to be accommodated on-site as opposed to elsewhere in the locality, may result in a reduction in vehicle movements associated with each stay. It is acknowledged that touring caravans rather than car movements will create a greater impact upon the local highway network. The development is considered to be a sustainable extension to the existing enterprise, and would generate any significant increase in the need to travel and may in fact reduce the need for some journeys, the proposal is therefore compliant with policies CP1 and CP2 of the LDF.

5.4 The proposed pitches would be sited approximately 195m (nearest point) north of nearby residential properties. Taking this separation distance into account, the appearance of the proposed touring caravans and the number of pitches proposed, the form and character of the surrounding landscape, and the landscaping proposed to the boundaries of the site along with the more robust scheme set out in the amended plan, it is not considered that the proposed pitches would cause any significant harm to the visual amenity of the surrounding countryside. Due to the separation distance of the proposed pitches to sensitive receptors in the locality, the numbers of pitches proposed and their complimentary use to the fishing lakes it is considered that there would not be an adverse impact on neighbour amenity. The works proposed to the existing access would not harm neighbour or visual amenity.

5.5 NYCC Highways have assessed the impact of the proposed additional 10 pitches and the access improvements on highway and have not raised an objection. Consideration has been given to the Highway Authority response along with the neighbour representations and taking into account the applicant's synopsis of the extent of visitors to the site and the level of traffic likely with the proposed 10 pitches the conclude that the scheme would not be prejudicial to highway safety.

5.6 In terms of the neighbour responses received and not already addressed it is highlighted that neighbours adjacent the site have been notified and a site notice has been positioned on the telegraph pole at the main site access. The issue of land ownership has been raised with the applicant who maintains that the blue line correctly sets out the land within the control of the applicant. Other caravan sites are noted in the locality and the issue of the demand for an additional site is a matter for the applicant and not the Local Planning Authority to determine. The suitability of the facilities available for users is a matter for the applicant, customers (and the Caravan Site Licence) to determine. The scheme is expected

to be of benefit to the rural economy as is set out above and in turn the local community, for example by helping to provide employment and sustainable local community facilities such as the nearby public house.

5.7 In response to the comments of the Parish Council the following notes are made:

5.7.1 The requirement of a caravan site licence the requirement to obtain a Site Licence are dealt with under separate legislation and do not form a material consideration in the determination of this application.

5.7.2 The availability of other sites in the locality is a matter which would not normally be a material factor in the determination of an application. Whilst other caravan sites exist the proposal is made to respond to the demands of customers and is to be considered on its own merits.

5.7.3 The size of the site proposed is a matter which has been raised with the applicant who has been asked to make clear that the permission is only for the siting of 10 pitches. A planning condition can be applied to restrict the number of pitches on site to the 10 proposed.

5.7.4 The visual impact of the proposed touring pitches has been discussed above and it is highlighted that the scale proposed as part of this scheme would not harm the surrounding countryside. The impact of any future expansion would have to be considered on its own merits at that time.

5.7.5 The issues surrounding neighbour amenity have been set out above and again given the scale of pitches proposed and their relationship to the existing enterprise and dwellings in the locality it is not considered that an adverse impact would arise.

5.7.6 Taking into account the existing use of the agricultural land and the area the 10 pitches cover, the loss of agricultural land is not considered to be harmful.

5.7.7 The design of the proposed pitches is considered to be appropriate to the setting taking into account their positioning on the plot, relationship to landscaping, and nearby dwellings.

5.7.8 The issue of traffic circulation on-site is considered satisfactory. Whilst it is important that stand alone tourist facilities are well served by public/sustainable transport facilities it is recognised that in this case the caravans that would be sited as a complimentary feature to the fishing lake attraction, thereby minimising vehicle movements.

5.7.9 The impact of the scheme on highway safety has been reviewed by the local Highway Authority who have not raised any objections to the scheme. The localised potential hazards highlighted by the Parish Council are noted however the scale of this development is not considered to be so significant to cause an identifiable harmful impact on highway safety that would justify refusal of the application. It is noted that some local roads are unsuitable due to restricted width and the absence of passing places and information advising drivers at the time of booking of appropriate access routes to avoid the narrow roads would be appropriate.

5.7.10 The provision of an acceptable electricity supply to the site would not form a material consideration in the determination of this application. On site drainage has been considered and the response of Yorkshire Water is noted as not raising any objections.

5.7.11 The Council's drainage engineer has provided comment of the localised drainage issues and advised that the proposed pitches be formed of appropriate materials to permit an acceptable level of permeability. A condition will be attached to any permission granted requiring the submission of further construction details in this regard and their retention post construction.

5.8 Having taken the above into account it is considered that the proposed change of use of land to include the siting of 10 touring caravan pitches along with the improvement works to the vehicular access accord with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval.

SUMMARY

The proposed development would be acceptable 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 and is therefore considered acceptable.

7.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 8 November 2012 and 23 November 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. No more than 10 touring caravans shall be sited on the pitches indicated on the drawing received by Hambleton District Council on 8 November 2012 unless otherwise agreed in writing by the Local Planning Authority.
4. No part of the development to which this permission relates shall be brought into use until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (ii)(b) The existing access shall be improved by reconstructing in accordance with the submitted drawing reference F&DK/10CARVN/0754 and Standard Detail E6Var.
 - (iii) The final surfacing of the private access shall not contain any loose material that is capable of being drawn on to the public highway.All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
5. Prior to the commencement of development a scaled cross section diagram indicating the surfacing of the proposed pitches shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
6. No part of the development shall be used after the end of the first planting and seeding seasons following the completion of the pitches, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 15 January 2013 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP16, CP17, DP1, DP30 and DP32.
3. In the interests of neighbour and visual amenity, and highway safety in accordance with policies DP1, DP3 and DP30 of the Hambleton Local Development Framework.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. In the interests of minimising the impact of the proposal on local drainage issues.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.

Parish: Sowerby

Ward: Sowerby

Committee Date:

31 January 2012

Officer dealing:

Mr Jonathan Saddington

Target Date:

25 October 2012

5.

12/01556/FUL

Demolition of 1 dwelling and depot building and construction of 47 dwellings with associated access, parking, public open space and landscaping as amended by plans received by Hambleton District Council on 9th November 2012 and 16th January 2013 at Warehouse Buffer Depot, Sowerby for Persimmon Homes (Yorkshire) Ltd & Secretary of State for Communities & Local Government

1.0 SUMMARY

- 1.1 This application relates to part of a larger site allocated for housing development under LDF Policy TH2 (Depots, Station Road, Thirsk). The application site comprises the southern half of the allocation site with the addition of 33a Admirals Court, which would be demolished to facilitate a new vehicular access from that road. Consideration of this application was deferred at Planning Committee on 11th October 2012 in order to allow for: additional design improvements; the submission of streetscene drawings and the receipt of outstanding consultation responses. A copy of the previous report is appended for information.
- 1.2 In terms of design, Members mainly expressed concern about the design quality of the house types; over-development of the site; dwellings of more than 2 storeys; an overall lack of car parking; frontage parking; massing on the western boundary; and the access arrangements.
- 1.3 Members also requested that Persimmon Homes re-engage with the landowners to the north in an effort to achieve a suitable access to the north via Racecourse Mews.
- 1.4 The Applicant has responded to Members' concerns by making various amendments to the site layout and the proposed housetypes. The quantum of development has been reduced by 4 units from 51 to 47 dwellings, whilst 3 bungalows have been added to the scheme. The number of two-storey dwellings with a third floor of accommodation in the roof space has been reduced by 6 from 13 units to 7 units; however the three-storey blocks are retained.
- 1.5 The number of car parking spaces has been increased from 64 spaces to 83 spaces. Including 14 garages, the total number of car parking spaces is now 97.
- 1.6 The proposed dwellings now incorporate traditional detailing, including: chimneys, arched header courses to windows, dentil courses to eaves and projecting gables, timber style garage doors, rise and fall guttering with no fascias or soffits. Window profiles have also been amended to reflect local character.
- 1.7 The principle of development has been established as the wider site is allocated for residential development within the adopted Allocations Development Plan Document as Policy TH2. Because of the unusual shape of the site and the positioning of access roads, the DPD envisaged development at a low density of 10 dwellings per hectare, giving a total of 30 dwellings across the wider 2.84 hectare allocation site. The application scheme would be at a much higher density of 39 dwellings per hectare and result in an overdeveloped and unattractive residential environment contrary to policies TH2, CP17 and DP32 of the adopted Hambleton Local Development Framework.

- 1.8 The proposed layout fails achieve adequate levels of space about the proposed dwellings and existing neighbours in order to avoid problems of overlooking and overshadowing, contrary to policies CP1 and DP1 of the Hambleton Local Development Framework.
- 1.9 The Local Highway Authority has objected to the application on the grounds that the width of the existing access road leading to the site together with the existing levels of on street parking do not provide a safe and satisfactory access to the proposed development for emergency vehicles and would interfere with the free flow of traffic to and from the proposed development.
- 1.10 In addition, the proposed development fails to deliver an acceptable level and model of affordable housing and other developer contributions as required by policies TH2, CP1, CP9, CP19, DP2, DP15 and DP37 of the adopted Hambleton Local Development Framework.
- 1.11 It is recommended that planning permission be refused.

2.0 PROPOSAL AND SITE DESCRIPTION

- 2.1 Full planning permission is sought for the construction of 47 dwellings, associated access, parking, public open space and landscaping at the former DEFRA Depot located at the west end of Melbourne Place, Sowerby. This would deliver a development of approximately 39.1 dwellings per hectare. The quantum, tenure split and position of the affordable units has yet to be agreed.
- 2.2 The proposed dwellings are a mix of 2, 3 and 4 bedroom dwellings arranged in terraces, semi-detached and detached form varying between 2 and 3 storeys in height. 6 apartments are contained within 2 three-storey blocks whilst 3 bungalows are also proposed.
- 2.3 The majority of dwellings would be constructed using red-multi and buff-multi brickwork. Pantiles and concrete tiles would be used throughout. The proposed dwellings incorporate traditional detailing, including: chimneys, arched header courses to windows, dentil courses to eaves and projecting gables, timber style garage doors, rise and fall guttering with no fascias or soffits. All dwellings would have private amenity space in the form of rear gardens. A total of 83 car parking spaces (excluding garages) are proposed to serve the new dwellings, which equates to 1.76 spaces per dwelling.
- 2.4 A small area of public open space measuring approximately 130sqm is shown adjacent to Orchard Villa on Melbourne Place. An underground pumping station is positioned adjacent to this area of open space. The site does not contain a formal play area.
- 2.5 A single vehicular access point is proposed via Admirals Court with pedestrian and cycle access from both Admirals Court and Victoria Avenue. An existing dwelling at the head of Admirals Court would be demolished in order to create the proposed vehicular access. The size of the road diminishes as the number of units served is reduced with groups of five and six properties being served off private drives. The layout includes a road leading up to the northern boundary, which could serve the remainder of the allocated site, and a pedestrian link to Victoria Avenue, which could also provide emergency access. A formal car parking area of 16 spaces with associated landscaping would be provided off Melbourne Place for use by existing residents.
- 2.6 The site is situated at the western end of Victoria Avenue and Melbourne Place, through which the current access is accommodated, with the more recent Admiral's

Court development to the west and the residential properties forming the southern side of Melbourne Place to the south. The land to the north of the site is occupied by a large industrial unit with the residential properties on Racecourse Mews beyond.

- 2.7 The application site extends to approximately 1.2 hectares and is currently occupied by a large depot building and associated external hardstanding. The northern boundary of the site is currently delineated by a mature hedge, whilst there are a small number of trees/shrubs located around the site.
- 2.8 The site is currently accessible from Melbourne Place, although given the nature of this access and Melbourne Place itself, it is not proposed that this be retained as a vehicular access to the site.
- 2.9 The site forms part of the TH2 - Depots, Station Road, Thirsk - Allocation. Policy TH2 states that these linked sites are allocated for housing development in Phase 1 (up to 2016), subject to:-
- i) Development being at a density of approximately 10 dwellings per hectare, resulting in a capacity of around 30 dwellings (of which a target of 40% should be affordable);
 - ii) Types and tenure of housing developed meeting the latest evidence on local needs;
 - iii) Access to be taken from Racecourse Mews;
 - iv) Provision of appropriate junction improvements with Station Road;
 - v) Contributions from the developer towards necessary infrastructure improvements including footpath links to the Town Centre and better drainage facilities; and
 - vi) Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

3.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 3.1 None relevant.

4.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – 27 March 2012

- 4.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

- CP1 - Sustainable development
- CP2 - Access
- CP3 - Community Assets
- CP4 - Settlement hierarchy
- CP5 - The scale of new housing
- CP5a - The scale of new housing by sub-area
- CP6 - Distribution of housing
- CP7 - Phasing of housing
- CP8 - Type, size and tenure of housing
- CP9 - Affordable housing
- CP16 - Protecting and enhancing natural and man-made assets

CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted 21 December 2010

TH2 – Depots, Station Road, Thirsk (2.82ha)

Other Relevant Documents

Affordable Housing SPD
Public Open Space, Sport & Recreation SPD
Sustainable Development SPD
Secured By Design
Council Plan
Hambleton Biodiversity Action Plan
Sustainable Communities Strategy
Technical Guidance Note to the NPPF on flooding

5.0 CONSULTATIONS

Sowerby Parish Council

- 5.1 Comments made in respect of the original layout:–
- 5.2 Wish to see the application refused in its current form. Allocations DPD clearly states that the only vehicular access should be via Racecourse Mews and as such the proposal for access via Green Lane West and Admiral's Court can not be supported.
- 5.3 The proposed housing density of 51 dwellings far exceeds the LDF recommendation of less than 30 units and cannot therefore be supported.
- 5.4 The Parish Council recommends that there should be no 3 and 2.5 storey units and would prefer there to be some bungalows in keeping with those in adjacent Victoria Avenue. Bungalows would be more acceptable and would meet current housing needs.

- 5.5 Grave concerns exist regarding the drainage systems in the layout.
- 5.6 Whilst it is accepted that there is some improvement in the proposal for parking layout for Melbourne Place it is felt that there could be further improvements.
- 5.7 Further clarification about the Public Open Space is required and it is felt that bigger garden spaces could be obtained by some re-positioning of the dwellings.
- 5.8 Any increase of traffic on to Topcliffe Road from the site in such close proximity to the schools is unacceptable and some concern about the foot and cycle links from Victoria Avenue has been raised.

NYCC Highways

- 5.9 Comments made in respect of site layout revision J:-
- 5.10 Is satisfied with the content of the Transport Assessment. The information requested following the Planning Committee on 11th October 2012 has been provided and amendments to the layout (L06/001 revision J) have been approved, subject to confirmation that the road between dwellings 23 and 24 will remain private and that clear visibility can be achieved for vehicles exiting driveway 38.
- 5.11 However, the Local Highway Authority (LHA) is not satisfied with the width of the proposed access road, Admiral's Court. A representative from the Fire and Rescue Service has confirmed that the recommended gateway width for a fire and rescue vehicle is 3.1m (details can be found in the guidance 'Building Regulations 2010 Approved document B, Section B5'). The width of road available on Admiral's Court with one parked car would be 2.9m. Any parking restrictions would need to be supported by a Traffic Regulation Order (TRO) which would need to be promoted and provided in accordance with the relevant legislation. This process would be delivered by the NYCC Highways Area Team who are of the opinion that the imposition of parking restrictions in this residential area would not be deliverable.
- 5.12 Without the TRO it is not possible to ensure sufficient width of carriageway would be available to ensure Fire and Rescue vehicles are able to reach the proposed dwellings in an emergency.
- 5.13 Consequently, the LHA recommends that the application is refused for the following reasons:-
 - 1) The Planning Authority considers that the width of the existing access road leading to the site together with the existing levels of on street parking do not provide a safe, satisfactory access to the proposed development for emergency vehicles.
 - 2) The Planning Authority considers that the existing road (Admiral's Court) leading to the site is not of sufficient width to cater for the additional traffic which would be likely to be generated by this proposed development.
 - 3) The Planning Authority considers that the current on street parking levels along the existing access road (Admiral's Court) would interfere with the free flow of traffic to and from the proposed development.
- 5.14 Notwithstanding the above comments, the LHA has advised that the provision of an acceptable emergency access to the adopted highway, for example Racecourse Mews or Victoria Avenue would make the proposal acceptable. The LHA is currently assessing site layout revision K, which deletes two visitors' parking bays that obstructed visibility from the driveway to plot 38.

NYCC Education

- 5.15 Require a developer contribution of £149,556 towards the anticipated need for new primary school places.

HDC Planning Policy Officer

- 5.16 Comments made in respect of the original layout:–
- 5.17 This is an allocated housing site (TH2) within the Hambleton Local Development Framework Allocations DPD, 2010. The application does not cover the whole of the allocated site, which also incorporates the Power Plastics site to the north.
- 5.18 During the allocations process, the County Highways advised that the existing accesses were unacceptable, but that an access could be formed from Racecourse Mews if all three component sites were developed together. This is a lost opportunity to develop all three sites to provide firstly an adequate highways solution and secondly a cohesive design in this confined design in this confined location. As submitted, the application is contrary to the adopted Allocations DPD.
- 5.19 In terms of housing provision, the whole of the site for a density of 10 dwellings per hectare, resulting in an overall provision of around 30 houses. The density was specified quite low so as to reflect the restrictions on this site and allow for a suitable layout with adequate amenity space, whilst incorporating open space and new footpath links.
- 5.20 This application proposes 51 dwellings on just part of the site. The proposal is considered to be an over development of the site, resulting in lack of amenity space and will have significant impacts in terms of on street parking.
- 5.21 Wish to see evidence that the owners of the site to the north have been approached to develop this site in collaboration with the Applicant.

HDC Leisure Services Officer

- 5.22 Concerned that there is no on-site recreational provision on this site given the number and mix of housing. The site is a long way from the Sowerby Gateway plans and the nearest recreational area would be the Flatts in Sowerby - this would involve crossing two main roads in Sowerby to access them (there is a zebra crossing on Topcliffe Road but nothing on Sowerby Road) - this distance and route is not suitable for young children.
- 5.23 Reiterates that the Open Space SPD / DP37 recommends that there is amenity green space and play areas for children provided on developments with 10-79 houses. Plus, there is a quantitative deficiency in amenity green space, children's play and outdoor sports facilities in the Thirsk area.

HDC Environmental Health Officer

- 5.24 The Sirius Geoenvironmental Appraisal (ref C4548) prepared for Persimmon Homes (Yorkshire) identifies hydrocarbon and PAH impacted soils on site. The report recommends further investigation of the sources of contamination to include trial pits, boreholes, monitoring wells and further sampling and analysis of soils and water. The report also recommends the submission of a remediation strategy to the local authority for approval.
- 5.25 The supplementary letter report (ref C4548/4659/DCB) details the additional works and recommends hydrocarbon impacted soils are excavated and disposed of off site, PAH impacted soils to be either excavated and disposed of or isolated under clean

cover of at least 600mm in garden or landscaped areas or under roads or buildings. The report recommends validation testing once remediation has been carried out.

- 5.26 The EHO agrees with the findings and recommendations of both reports for further work and the submission of a remediation strategy prior to development commencing.
- 5.27 Also recommends a condition requiring a remediation strategy to be submitted and validation/verification testing to be carried out before the development is occupied, in order to protect the health of humans on the site.

Yorkshire Water

- 5.28 YWS has no objection in principle subject to drainage conditions being imposed.

Environment Agency

- 5.29 No objection in principle subject to conditions. However, the Environment Agency recommends that before planning permission is granted soakaways are shown to be effective for the disposal of surface water from this site, and if not, the Applicant should be requested to resubmit amended proposals showing how they propose to drain the site. It is therefore recommended that an appropriate assessment is carried out in accordance with Building Research Establishment (BRE) Digest 365.

Police Architectural Liaison Officer

- 5.30 Comments made in respect of the original layout:–
- 5.31 Recommendation 1 – that the plans for this estate be re-drawn encompassing the visitor parking throughout the whole estate for the above reasons so that the parking is not so remote which gives rise to the fear of crime, a material planning matter.
- 5.32 Recommendation 2 – that the Application actually achieve Secured by Design certification, as opposed to conforming to the principles of Secured by Design which has shown in the past to be vastly different.
- 5.33 Recommendation 3 – that the footpath from the bottom of Victoria Avenue be removed for security reasons.
- 5.34 Recommendation 4 – as the gardens adjoining the periphery of this site are of various heights and materials, it is recommended that the entire site be enclosed in close boarded fencing 1.8 fencing high.
- 5.35 Recommendation 5 – that the Design & Access Statement show how crime and the fear of crime are to be addressed.

Publicity

- 5.36 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 21st September 2012. 36 letters of objection have been received which have been summarised as follows:
- 1) The proposed density of 51 housing units is totally disproportionate to both the Allocations DPD and the density of the surrounding residential area.
 - 2) The number of properties should not exceed 26 and not 52 as proposed.
 - 3) Admirals Court cannot sustain or accommodate construction traffic.
 - 4) The construction of the road is insufficient for carrying heavy builders' traffic, i.e. heavy ready-mix trucks and trucks containing aggregates, building materials, scaffolding, plant/cranes and because of the many 90 degree turns

- in Admirals Court.
- 5) Green Lane West will also be affected by the increased traffic, and again the road surface is not suitable for heavy goods traffic.
 - 6) Admirals Court is too narrow for any increase in traffic movements.
 - 7) Children living in Admirals Court will be a risk from increased traffic.
 - 8) Admirals Court, Green Lane West and Topcliffe Road will become congested from increased traffic.
 - 9) The Admirals court/Green Lane West junction is difficult to negotiate and should not be subject to increased flows.
 - 10) Residents will car park on Admirals Court, Victoria Avenue and Melbourne Place due to insufficient parking.
 - 11) The character of Admirals Court will change from a quiet cul-de-sac to a busy access road.
 - 12) 33A Admirals Court is an attractive property and should not be demolished.
 - 13) Question housing need.
 - 14) Existing drainage cannot cope with increased flows.
 - 15) The proposed footpath on Victoria Avenue could lead to anti-social behaviour and a hazard at a busy turning point.
 - 16) Access should be via the disused railway line.
 - 17) Access should be via Station Road.
 - 18) Access should be via Racecourse Mews.
 - 19) Persimmon's transport survey fails to take into account the heavy roadside parking during peak times and general overall congestion.
 - 20) Should be considered alongside the Sowerby Gateway application. The Council should consider the cumulative impact of both developments.
 - 21) The proposed layout will result in a loss of amenity to 38A Admirals Court.
 - 22) Increased security risks for residents living in Admirals Court.
 - 23) Concerned about the imposing nature of 3 storey dwellings.
 - 24) Noise from the pumping station.
 - 25) Concerned that Melbourne Place will be used as a pathway for a considerable number of children walking to school.
 - 26) The proposal includes 13 units of 2.5 storeys and 6 units of 3 storey height, despite the design and access statement claiming (page 8) that the units are "no more than two storeys". This is contrary to the Allocation DPD recommended 2 storeys, and would be totally out of character with the existing adjacent residential environment.
 - 27) This development will be directly alongside the conservation area but does not attempt to fit in with the conservation area from a design, aesthetics, building materials and, particularly, a density point of view.
 - 28) The hawthorn hedge on the boundary with Power Plastics should not be pruned during the bird nesting season.
 - 29) The mound adjacent to Bellcroft Close should be levelled in order to achieve a suitable finished floor level in the interests of protecting neighbour's amenity.
 - 30) Increased traffic on Green lane West and Topcliffe Road will cause safety problems for children crossing roads without adequate Lollypop Ladies/Men.
 - 31) The area of provided public space is derisory. The amount of green space will be very small indeed.
 - 32) Melbourne Place is still on a Victorian combined sewer and storm system, which is already at capacity and will not take the drainage from another 51 units.
 - 33) Refuse vehicles and emergency services will experience difficulties accessing the site.
- 5.37 A further round of publicity on the amended scheme expires on 1st February 2013. No further representations have been received to date.

6.0 OBSERVATIONS

6.1 The main issues to consider in the determination of this application are matters relating to: -

- j) Location of New Housing
- k) Design & Layout
- l) Access, Highway Safety & Car Parking
- m) Protecting Amenity
- n) Sustainable Construction
- o) Drainage & Flood Risk
- p) Ecology
- q) Infrastructure & Services
- r) Public Open Space
- s) Affordable Housing

Location of New Housing

6.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.

6.3 The site forms part of the TH2 (Depots, Station Road, Thirsk) site which is allocated for housing development in Phase 1 (up to 2016) subject to the provisions detailed within paragraph 2.9 of this report.

6.4 The explanatory text to TH2 states that “because the site is an unusual shape, and positioning of access roads restricts the number of dwellings that could be built, the realistic capacity of the site has been reduced by applying a 10 dwellings per hectare density to the site overall, thus yielding around 30 units (compared with a density of 40dph, which would otherwise have been appropriate given the central location of the site, and which would have yielded 100 or more units).”

6.5 Consequently, developing the site for new housing is acceptable in principle subject to specific criteria contained within the Allocations DPD and site specific matters concerning design and access.

Design & Layout

6.6 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.

6.7 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

6.8 Paragraph 62 of the NPPF states that “Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”

- 6.9 In response to this guidance, the Applicant was invited to refer the application to the Regional Design Review Panel as a collaborative process. This request was rejected by the Applicant. Consequently, the Local Planning Authority has critiqued the design aspects of the application without the added benefit of expert third party scrutiny.
- 6.10 The Applicant has undertaken various amendments in response to the criticisms raised at the last Planning Committee on 11th October 2012. The elevational details and streetscenes have been re-evaluated and designs rationalised to produce housetypes more in keeping with Sowerby.
- 6.11 On a positive note, some of the proposed amendments are welcome improvements. For example, the proposed dwellings now incorporate traditional detailing, the footpath/cycleway leading to Victoria Avenue has been widened and the public open space and residents' car parking area for Melbourne Place have been rationalised. However, the revised scheme is well short of being regarded "high quality design" as required by Policy DP32 of the Development Policies DPD.
- 6.12 The proposal represents development at a significantly higher density than proposed for the site in the Allocations DPD. "Density" should not be slavishly adhered to as a requirement in itself and it is recognised that the application relates to the more regularly-shaped part of the allocation site, and therefore has capacity for higher density development than the average across the entire allocation site. As identified above, the Allocations DPD provides a guide of 10dph due to the site's unusual shape and its relationship to established residential dwellings. On a site of 1.2ha this would result in 12 dwellings. As a guide, 36 dwellings would equate to 30dph. The submitted proposal seeks permission for 47 dwellings at 39.1dph and, consequently, the design quality of the scheme and its impact on neighbours is greatly different from what the LDF proposed.
- 6.13 All development should be well designed by reflecting the local pattern of development and by maintaining the level of amenity currently enjoyed by established residential properties. The application scheme fails to do this through failing to respond to the greater spaciousness around dwellings at the western end of Victoria Avenue and around Autumn House at the end of Melbourne Avenue (which would be surrounded by the new housing) and on Admiral's Court. The latter failing is particularly acute given that the proposed access from Admiral's Court would make the sudden increase in density and loss of spaciousness and soft landscaping explicit to anyone approaching the site. On this ground alone, the numbers of dwellings would need to be significantly reduced in order to comply with policies DP1 (protecting amenity) and DP32 (high quality design).
- 6.14 The quantum of development has been reduced by 4 dwellings to 47, however it is considered that a further 10 dwellings would need to be deleted from the scheme in order to allow a well-planned and attractive environment to be achieved. The layout would also benefit from a greater variety in plot widths and depths, particularly within to centre of the site, and the resulting potential for greater soft landscaping.
- 6.15 The large amount of frontage parking proposed would have a detrimental impact on the street scene and is therefore not supported. Car parking should be accommodated to the side or rear of dwellings wherever possible. The proposed car parking court to the front of plots 27 to 29 would also have a detrimental impact at the terminus of this street scene and will result in a poor outlook from surrounding dwellings.
- 6.16 There is too much massing on the western boundary of the site. This tight relationship would spoil the aspect of neighbouring properties on Admirals Court. Consideration should also be given to those plots at the northern boundary of the site

with north facing rear gardens, which would abut a large industrial building on the other part of the allocated site. In the absence of a comprehensive proposal to develop the entirety of the allocation site, it is necessary to consider the amenity that would be available to occupiers of these dwellings if the balance of the allocation site were not redeveloped. In that event, the scale and proximity of the industrial building would result in a poor level of amenity, although it has to be acknowledged that a similar situation exists in respect of dwellings on the northern side of the building in Racecourse Mews.

- 6.17 The number of two- storey dwellings with further accommodation in the roof has been reduced by 6, from 13 units to 7 units; however the three-storey blocks are retained. These tall dwellings, particularly the 3-storey units, fail to reflect local vernacular and would appear out of character. In addition, the “Hanbury” and “Swale” and “Tri-Maisonette” house-types are visually unappealing and fail to reflect local character.
- 6.18 The proposed area of public open space is not functional in terms of size or location, although it does provide a buffer to the housing on Melbourne Place. The plan should contain a meaningful area of POS that is central to the development and provides both green relief and a functional space. Alternative locations should be considered for the pumping station, which would diminish the quality of this space, even though undergrounded. The position of the pumping station should not take precedence over achieving a high quality housing layout. This is another aspect that suffers through the absence of a comprehensive approach to the wider allocation site and it effectively pushes the responsibility for providing an adequate area of POS to serve the allocation site onto any developer of the adjacent land.
- 6.19 The proposed layout is wholly unacceptable and requires a complete re-think that demonstrates a comprehensive approach to the entire allocation site in order to deliver the aspirations of the Allocations DPD and the high standards of design required by the NPPF and the Council’s Development Policies DPD and to avoid prejudicing the proper development of the balance of the allocation site.

Access, Highway Safety & Car Parking

- 6.20 Allocation site TH2 is made up of three separate parcels of land. This application seeks planning permission to develop the southernmost part of the site, which extends to 1.2ha of the total 2.8ha allocation site.
- 6.21 The explanatory text to Policy TH2 of the Allocations DPD states that “existing site accesses are unsuitable. However, an access can be formed from Racecourse Mews if all three component sites are developed together.”
- 6.22 This application seeks approval to take access via Admirals Court as an alternative to Racecourse Mews which can only be accessed via land in separate ownership. The proposed access requires the demolition of 33a Admirals Court, which is within the Applicant’s ownership. This is considered to be a lost opportunity to develop all three sites comprehensively in an effort to provide an adequate highways solution and secondly a cohesive design in a confined location. Furthermore, it pushes the costs of making access from Racecourse Mews onto the remaining parts of the allocation site, which are more constrained in terms of their potential dwelling numbers. Alternatively, if this application were permitted, developers for the remaining parcels could seek to make access through this site and onto Admirals Court, exacerbating the problems highlighted in the Highway Authority’s objection.
- 6.23 At Planning Committee on 11th October 2012, Members requested that the Applicant re-engage with those landowners to the north in an effort to achieve access via Racecourse Mews. The Applicant has previously held discussions with neighbouring landowners with regards to delivering a comprehensive development accessed via Racecourse Mews. These discussions were over a year ago and the parties involved

did not reach an agreement. The Applicant is reluctant, at this stage, to reopen discussions if the alternative access arrangements they propose can be secured.

- 6.24 As identified within Section 5 of this report, the Highway Authority is not satisfied with the width of the proposed access road, Admiral's Court. In the absence of alternative emergency access arrangements the Highway Authority has raised an objection to the application.
- 6.25 Notwithstanding the above comments, the Highway Authority has advised that the provision of an acceptable emergency access to the adopted highway, for example Racecourse Mews or Victoria Avenue would make the proposal acceptable. The Highway Authority is currently assessing site layout revision K.
- 6.26 Paragraph 39 of the NPPF states that "If setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- the accessibility of the development;
 - the type, mix and use of development;
 - the availability of and opportunities for public transport;
 - local car ownership levels; and
 - an overall need to reduce the use of high-emission vehicles."
- 6.27 A total of 83 car parking spaces (excluding garages) are proposed which equates to 1.76 spaces per dwelling. Including 14 garages, the total number of car parking spaces is 97. In having regard to guidance contained within the NPPF, this level of provision is considered to be acceptable, in the interests of avoiding on-street car parking.

Protecting Amenity

- 6.28 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 6.29 The Council applies indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, these separation distances continue to be a useful guide for assessing the likely impact of a proposed development on residential amenity on a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.
- 6.30 The site layout as originally submitted failed to comply with the Council's indicative standards on numerous counts. The revised layout has partially addressed these concerns via the introduction of bungalows on plots 1, 29 and 33 and by increasing separation distances elsewhere. However, two plots continue to cause concern by virtue of potential overlooking and overshadowing. Plot 47 stands approximately 12m from 33 Admirals Court, which is 2m short of the Council's standards, whilst plot 12 is positioned approximately 17m from 40 Admirals Court, 4m shy of the relevant standard.
- 6.31 Consequently, the revised layout fails to achieve adequate levels of space about the proposed dwellings and existing neighbours in order to avoid problems of overlooking

and overshadowing, contrary to policies CP1 and DP1 of the Hambleton Local Development Framework.

Sustainable Construction

- 6.32 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 6.33 In response to the requirements of DP34, the submitted Design & Access Statement confirms that the 10% energy saving would be delivered via a combination of improvements to the fabric of the buildings above Building Regulations standards and the installation of renewable or low carbon technologies. However, no firm proposals have been presented to the Council.
- 6.34 If the Committee was minded to grant planning permission, it would be necessary to impose a suitably worded condition in order to secure an appropriate scheme for design improvements to the approved house types and/or on-site renewable energy generation.

Drainage & Flood Risk

- 6.35 Policy DP43 of the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 6.36 A Flood Risk Assessment has been submitted with the application. The FRA confirms that the site lies within Flood Zone 1, and is considered at low risk of flooding. The site is not crossed by any formal watercourses; consequently there is low risk of fluvial flooding.
- 6.37 In terms of surface water drainage, the Applicant has indicated that surface water will drain to soakaway. Yorkshire Water has raised no objection to this arrangement but has expressed concern about surface water discharging into the existing combined system. The Environment Agency has recommended that before planning permission is granted soakaways are shown to be effective for the disposal of surface water from this site, and if not, the Applicant should be requested to resubmit amended proposals showing how they propose to drain the site. Foul water from the development can discharge to the existing public foul sewer in Melbourne Place.
- 6.38 If the Committee was minded to grant planning permission, it would be necessary to impose pre-commencement conditions to secure an appropriate scheme for both foul and surface water drainage.

Ecology

- 6.39 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation... Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 6.40 An Ecological Assessment Report produced by Quants Environmental Ltd (Consultant Ecologists) was submitted in support of the application. The Survey concludes that other than common nesting birds, no protected species are considered likely to occur on the site. The site is assessed as being of low ecological

value and, given the mitigation measures proposed in relation to bats, nesting birds and invasive weeds; it is considered that development of the site could proceed without likely significant ecological impact.

Infrastructure and Services

- 6.41 Policy DP5 of the Development Policies DPD on community facilities advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services
- 6.42 Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community and to advise the Local Planning Authority of any capacity issues before sites are allocated for development or planning permission is granted.
- 6.43 The Local Education Authority has confirmed that 11 pupils would be generated by the development which would be part of an overall shortfall of 57 places at the local primary school. Therefore, a contribution of £149,556 has been requested. The Applicant has challenged this level of contribution and discussions are ongoing with the LEA.
- 6.44 The Primary Care Trust's comments are awaited with regards to the impact on local healthcare facilities.

Public Open Space

- 6.45 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 6.46 A small area of public open space measuring approximately 130sqm is shown adjacent to Orchard Villa on Melbourne Place. An underground pumping station is positioned adjacent to this area of open space. The site does not contain a formal play area. The functionality of this recreation space is compromised by the pumping station, the surrounding roads and its limited size. In tandem with the concerns about design and layout, the public open space should be increased in size in order to improve its functionality and be positioned centrally on site in order to provide a maximum contribution to urban design and with a view to the recreation needs of future occupiers of the wider allocation site.
- 6.47 Policy DP37 requires a financial contribution towards improving off-site provision elsewhere within Easingwold. A contribution of £122,455 is required in accordance with this policy based upon the mix of dwellings shown on the site layout. The Applicant's response to this Council requirement is awaited. Nonetheless, in the absence of an appropriate mechanism, e.g. s.106 agreement, to secure the sum, a further reason for refusal must be added.

Affordable Housing

- 6.48 Criterion i) of Policy TH2 of the adopted Allocations Development Plan Document stipulates that the development should be "...at a density of approximately 10 dwellings per hectare, resulting in a capacity of around 30 dwellings (of which a target of 40% should be affordable)." Policy TH2 reflects Policy CP9 of the adopted

Core Strategy which requires developments of 15 dwellings or more (or sites of 0.5ha or more) within Thirsk to make provision for 40% affordable housing.

- 6.49 The Applicant initially agreed to meet this policy objective at a development of 51 dwellings; however the local planning authority has yet to receive a revised offer in relation to the current proposed for 47 dwellings. In the absence of a firm offer from the Applicant, the application must be considered contrary to policies TH2 and CP9 of the Hambleton Local Development Framework.

7.0 CONCLUSION

- 7.1 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be refused for the application as submitted.
- 7.2 The principle of development has been established as the site is allocated for residential development within the adopted Allocations Development Plan Document as Policy TH2. Nonetheless, the amended scheme would result in an overdeveloped and unattractive residential environment contrary to policies TH2, CP17 and DP32 of the adopted Hambleton Local Development Framework and fails to demonstrate that it would not prejudice a high quality development of the wider allocation site.
- 7.3 The proposed layout fails achieve adequate levels of space about the proposed dwellings and existing neighbours in order to avoid problems of overlooking and overshadowing, contrary to policies CP1 and DP1 of the Hambleton Local Development Framework.
- 7.4 The Local Highway Authority has objected to the application on the grounds that the width of the existing access road leading to the site together with the existing levels of on street parking do not provide a safe, satisfactory access to the proposed development for emergency vehicles and would interfere with the free flow of traffic to and from the proposed development.
- 7.5 In addition, the proposed development currently fails to deliver an acceptable level and model of affordable housing and other developer contributions as required by policies TH2, CP1, CP9, CP19, DP2, DP15 and DP37 of the adopted Hambleton Local Development Framework.
- 7.6 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

8.0 RECOMMENDATION

- 8.1 **REFUSED** for the following reasons:-

Design

1. The proposed development would result in an overdeveloped and unattractive residential environment contrary to policies TH2, CP17 and DP32 of the adopted Hambleton Local Development Framework which require high quality urban design.

Protecting Amenity

2. The proposed layout fails achieve adequate levels of space about the proposed dwellings and existing neighbours in order to avoid problems of overlooking and overshadowing, contrary to policies CP1 and DP1 of the Hambleton Local Development Framework.

Affordable Housing

3. The proposed development fails to deliver a sufficient level and mix of affordable housing without reasoned justification, contrary to policies TH2 of the adopted Allocations DPD and CP9 of the adopted Core Strategy which both stipulate a target of 40% affordable housing for the application site.

Public Open Space, Sport & Recreation

4. The proposed development fails to deliver a sufficient level of both on-site and off-site public open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies Development Plan Document which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

Other Developer Contributions - Education

5. The proposed development fails to contribute towards additional children's services and facilities contrary to Policy DP2 of the adopted Development Policies Development Plan Document, which requires contributions from developers where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are inappropriately placed to serve the development having regard to the need to minimise travel, consistent with Policy CP2 of the adopted Core Strategy.

Access & Highway Safety

6. (To follow).

Copy of Interim Report presented on 11 October 2012

12/01556/FUL

**Demolition of 1 dwelling and depot building and construction of 51 dwellings with associated access, parking, public open space and landscaping
At the Warehouse Buffer Depot, Sowerby
for Persimmon Homes (Yorkshire) Ltd & Secretary of State for Communities & Local Government**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 51 dwellings, associated access, parking, public open space and landscaping at the former DEFRA Depot located at the west end of Melbourne Place, Sowerby. This will deliver a development of approximately 42.5 dwellings per hectare. 20 dwellings (39.2%) are identified for affordable use, the balance of 31 dwellings for private residential use. The precise tenure split and position of the affordable units has yet to be determined.
- 1.2 The proposed dwellings are a mix of 1, 2, 3 and 4 bedroom dwellings arranged in terraces, semi-detached and detached form varying between 2, 2.5 (13 units) and 3 (6 units) storeys in height. No bungalows are proposed.
- 1.3 The majority of dwellings will be constructed using red-multi and buff-multi brickwork. Pantiles and concrete tiles will be used throughout. Architectural detailing is relatively simple and includes: brick detail to the eaves, contrasting brick band courses and sash-style windows. All dwellings have private amenity space in the form of rear gardens. A total of 64 car parking spaces (excluding garages) are proposed which equates to 1.25 spaces per dwelling.
- 1.4 A small area of public open space measuring approximately 130sqm is shown adjacent to Orchard Villa on Melbourne Place. An underground pumping station is positioned adjacent to this area of open space. The site does not contain a formal play area.
- 1.5 A single vehicular access point is proposed via Admirals Court, Green Lane West and Topcliffe Road with pedestrian and cycle access from both Admirals Court and Victoria Avenue. An existing dwelling at the head of Admirals Court will be demolished in order to create the proposed vehicular access. The size of the road diminishes as the number of units served is reduced with groups of five and six properties being served off private drives. A formal car parking area with associated landscaping will be provided off Melbourne Place for use by existing residents.
- 1.6 The site is situated at the western end of Victoria Avenue and Melbourne Place, through which the site is currently accesses, with the more recent Admiral's Court development to the west and the residential properties forming the southern side of Melbourne Place to the south. The land to the north of the site is occupied by a large industrial unit with the residential properties on Racecourse Mews beyond.

- 1.7 The application site extends to approximately 1.2 hectares and is currently occupied by a large depot building and associated external hardstanding. The northern boundary of the site is currently delineated by a mature hedge, whilst there are a small number of trees/shrubs located around the site.
- 1.8 The site is currently accessible from Melbourne Place, although given the nature of this access and Melbourne Place itself, it is not proposed that this be retained as a vehicular access to the site.
- 1.9 The site forms part of the TH2 - Depots, Station Road, Thirsk - Allocation. Policy TH2 at paragraphs 9 and 10 states that the three linked sites of irregular shape and with an access issue that need to be resolved will require the owners and their agents to work collaboratively to bring forward a single development and that it is envisaged the scheme will developed towards the end of Phase 1 (up to 2016), subject to:-
- i) development being at a density of approximately 10 dwellings per hectare, resulting in a capacity of around 30 dwellings (of which a target of 40% should be affordable);
 - ii) types and tenure of housing developed meeting the latest evidence on local needs;
 - iii) access to be taken from Racecourse Mews;
 - iv) provision of appropriate junction improvements with Station Road;
 - v) contributions from the developer towards necessary infrastructure improvements including footpath links to the Town Centre and better drainage facilities; and
 - vi) contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.0 RELEVANT PLANNING HISTORY

- 2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

- CP1 - Sustainable development
- CP2 - Access
- CP3 - Community Assets
- CP4 - Settlement hierarchy
- CP5 - The scale of new housing
- CP5a - The scale of new housing by sub-area
- CP6 - Distribution of housing
- CP7 - Phasing of housing
- CP8 - Type, size and tenure of housing
- CP9 - Affordable housing
- CP16 - Protecting and enhancing natural and man-made assets
- CP17 - Promoting high quality design
- CP18 - Prudent use of natural resources

CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

TH2 – Depots, Station Road, Thirsk (2.82ha)

Other Relevant Documents

Hambleton Biodiversity Action Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Sowerby Parish Council

- 4.1 Wish to see the application refused in its current form.
- 4.2 Allocations DPD clearly states that the only vehicular access should be via Racecourse Mews and as such the proposal for access via Green Lane West and Admiral's Court can not be supported.
- 4.3 The proposed housing density of 51 dwellings far exceeds the LDF recommendation of less than 30 units and cannot therefore be supported.
- 4.4 The Parish Council recommends that there should be no 3 and 2.5 storey units and would prefer there to be some bungalows in keeping with those in adjacent Victoria Avenue. Bungalows would be more acceptable and would meet current housing needs.
- 4.5 Grave concerns exist regarding the drainage systems in the layout.
- 4.6 Whilst it is accepted that there is some improvement in the proposal for parking layout for Melbourne Place it is felt that there could be further improvements.
- 4.7 Further clarification about the Public Open Space is required and it is felt that bigger garden spaces could be obtained by some re-positioning of the dwellings.

- 4.8 Any increase of traffic on to Topcliffe Road from the site in such close proximity to the schools is unacceptable and some concern about the foot and cycle links from Victoria Avenue has been raised.

NYCC Highways

- 4.9 Comments awaited.

NYCC Education

- 4.10 Comments awaited.

HDC Planning Policy Officer

- 4.11 This is an allocated housing site (TH2) within the Hambleton Local Development Framework Allocations DPD, 2010. The application does not cover the whole of the allocated site, which also incorporates the Power Plastics site to the north.
- 4.12 During the allocations process, the County Highways advised that the existing accesses were unacceptable, but that an access could be formed from Racecourse Mews if all three component sites were developed together. This is a lost opportunity to develop all three sites to provide firstly an adequate highways solution and secondly a cohesive design in this confined location as intended in the Allocations DPD. As submitted, the application is contrary to the adopted Allocations DPD.
- 4.13 In terms of housing provision, the whole of the site was to be developed at a density of 10 dwellings per hectare, resulting in an overall provision of around 30 houses. The density was specified quite low so as to reflect the restrictions on this site and allow for a suitable layout with adequate amenity space, whilst incorporating open space and new footpath links.
- 4.14 This application proposes 51 dwellings on just part of the site. The proposal is considered to be an over development of the site, resulting in lack of amenity space and will have significant impacts in terms of on street parking.
- 4.15 Wish to see evidence that the owners of the site to the north have been approached to develop this site in collaboration with the Applicant.

HDC Leisure Services Officer

- 4.16 Concerned that there is no on-site recreational provision on this site given the number and mix of housing. The site is a long way from the Sowerby Gateway plans and the nearest recreational area would be the Flatts in Sowerby - this would involve crossing two main roads in Sowerby to access them (there is a zebra crossing on Topcliffe Road but nothing on Sowerby Road) - this distance and route is not suitable for young children.
- 4.17 Reiterate that the Open Space SPD / DP37 recommend that there is amenity green space and play areas for children provided on developments with 10-79 houses. Plus, there is a quantitative deficiency in amenity green space, children's play and outdoor sports facilities in the Thirsk area.

HDC Environmental Health Officer

- 4.18 Comments awaited.

Yorkshire Water

- 4.19 YWS has no objection in principle subject to drainage conditions being imposed.

Environment Agency

- 4.20 No objection in principle subject to conditions. However, the Environment Agency recommends that before planning permission is granted soakaways are shown to be effective for the disposal of surface water from this site, and if not, the applicant should be requested to resubmit amended proposals showing how they propose to drain the site. It is therefore recommended that an appropriate assessment is carried out in accordance with Building Research Establishment (BRE) Digest 365.

Police Architectural Liaison Officer

- 4.21 Recommendation 1 – that the plans for this estate be re-drawn encompassing the visitor parking throughout the whole estate so that the parking is not so remote which gives rise to the fear of crime, a material planning matter.
- 4.22 Recommendation 2 – that the Application actually achieve Secured By Design certification, as opposed to conforming to the principles of Secured By Design which has shown in the past to be vastly different.
- 4.23 Recommendation 3 – that the footpath from the bottom of Victoria Avenue be removed for security reasons.
- 4.24 Recommendation 4 – as the gardens adjoining the periphery of this site are of various heights and materials, it is recommended that the entire site be enclosed in close boarded fencing 1.8 fencing high.
- 4.25 Recommendation 5 – that the Design & Access Statement show how crime and the fear of crime are to be addressed.

Network Rail

- 4.26 No observations.

Publicity

- 4.27 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 21st September 2012. 36 letters of objection have been received which have been summarised as follows:
- 34) The proposed density of 51 housing units is totally disproportionate to both the Allocations DPD and the density of the surrounding residential area.
 - 35) The number of properties should not exceed 26 and not 52 as proposed.
 - 36) Admirals Court cannot sustain or accommodate construction traffic.
 - 37) The construction of the road is insufficient for carrying heavy builders' traffic, ie. heavy ready-mix trucks and trucks containing aggregates, building materials, scaffolding, plant/cranes and because of the many 90 degree turns in Admirals Court.
 - 38) Green Lane West will also be affected by the increased traffic, and again the road surface is not suitable for heavy goods traffic.
 - 39) Admirals Court is too narrow for any increase in traffic movements.
 - 40) Children living in Admirals Court will be a risk from increased traffic.
 - 41) Admirals Court, Green Lane West and Topcliffe Road will become congested from increased traffic.
 - 42) The Admirals court/Green Lane West junction is difficult to negotiate and should not be subject to increased flows.

- 43) Residents will car park on Admirals Court, Victoria Avenue and Melbourne Place due to insufficient parking.
- 44) The character of Admirals Court will change from a quiet cul-de-sac to a busy access road.
- 45) 33A Admirals Court is an attractive property and should not be demolished.
- 46) Question housing need.
- 47) Existing drainage cannot cope with increased flows.
- 48) The proposed footpath on Victoria Avenue could lead to anti-social behaviour and a hazard at a busy turning point.
- 49) Access should be via the disused railway line.
- 50) Access should be via Station Road.
- 51) Access should be via Racecourse Mews.
- 52) Persimmon's transport survey fails to take into account the heavy roadside parking during peak times and general overall congestion.
- 53) Should be considered alongside the Sowerby Gateway application. The Council should consider the cumulative impact of both developments.
- 54) The proposed layout will result in a loss of amenity to 38A Admirals Court.
- 55) Increased security risks for residents living in Admirals Court.
- 56) Concerned about the imposing nature of 3 storey dwellings.
- 57) Noise from the pumping station.
- 58) Concerned that Melbourne Place will be used as a pathway for a considerable number of children walking to school.
- 59) The proposal includes 13 units of 2.5 storeys and 6 units of 3 storey height, despite the design and access statement claiming (page 8) that the units are "no more than two storeys". This is contrary to the Allocation DPD recommended 2 storeys, and would be totally out of character with the existing adjacent residential environment.
- 60) This development will be directly alongside the conservation area but does not attempt to fit in with the conservation area from a design, aesthetics, building materials and, particularly, a density point of view.
- 61) The hawthorn hedge on the boundary with Power Plastics should not be pruned during the bird nesting season.
- 62) The mound adjacent to Bellcroft Close should be levelled in order to achieve a suitable finished floor level in the interests of protecting neighbour's amenity.
- 63) Increased traffic on Green lane West and Topcliffe Road will cause safety problems for children crossing roads without adequate Lollypop Ladies/Men.
- 64) The area of provided public space is derisory. The amount of green space will be very small indeed.
- 65) Melbourne Place is still on a Victorian combined sewer and storm system, which is already at capacity and will not take the drainage from another 51 units.
- 66) Refuse vehicles and emergency services will experience difficulties accessing the site.

5.0 OBSERVATIONS

- 5.1 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.2 The site forms part of the TH2 (Depots, Station Road, Thirsk) site which is allocated for housing development in Phase 1 (up to 2016) subject to the provisions detailed within paragraph 1.9 of this report.
- 5.3 The Policy envisages a single development, the explanatory text to TH2 states that "because the site is an unusual shape, and positioning of access roads restricts the number of dwellings that could be built, the realistic capacity of the site has been reduced by applying a 10 dwellings per hectare density to the site overall, thus

yielding around 30 units (compared with a density of 40dph, which would otherwise have been appropriate given the central location of the site, and which would have yielded 100 or more units).”

- 5.4 The Allocations DPD goes to states that “existing site accesses are unsuitable. However, an access can be formed from Racecourse Mews if all three component sites are developed together.”
- 5.5 Developing the site for new housing is acceptable in principle subject to specific criteria contained within the Allocations DPD including matters concerning design and access.
- 5.6 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 5.7 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 5.8 Paragraph 62 of the NPPF states that “Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”
- 5.9 In response to this guidance, Officers invited the Applicant to refer the application to the Regional Design Review Panel as a collaborative process. This request was rejected by the Applicant. Consequently, Officers have critiqued the design aspects of the application without the added benefit of third party scrutiny. It is considered that the scheme as originally submitted fails to meet the requirements of the LDF Policies and would be recommended for refusal. Officers have made the following criticisms of the original submission:-
- 1) The proposed layout is wholly unacceptable and requires a complete re-think in order to deliver the aspirations of the Allocations DPD and the high standards of design required by the NPPF and the Council's Development Policies DPD.
 - 2) “Density” should not be slavishly adhered to as a requirement in itself. Any development should be well designed by reflecting the local pattern of development and by maintaining the level of amenity currently enjoyed by established residential properties. To this end, the Allocations DPD provides a guide of 10dph due to the site's unusual shape and its relationship to established residential dwellings. On a site of 1.2ha this would result in 12 dwellings. As a guide, 36 dwellings would equate to 30dph. The submitted proposal seeks permission for 51 dwellings at 42.5dph and, consequently, the design quality of the scheme and its impact on neighbours is unacceptable. The numbers of dwellings will need to be significantly reduced in order to comply with policies DP1 (protecting amenity) and DP32 (high quality design).
 - (3) The submitted housetypes are considered to be poorly designed. An architectural appraisal of this part of Thirsk should be undertaken to inform the site layout and external appearance of the dwellings.

- (4) The proposed housetypes should incorporate local characteristics, such as chimneys, windows styles, using Victoria Avenue and Melbourne Place as a reference.
- (5) The proposed area of public open space is not functional in terms of size or location. The plan should contain a meaningful area of POS that is central to the development and provides both “green relief” and a functional space.
- (6) The car parking area on Melbourne Place should be redesigned to provide a continuous row of parking. The existing non-native trees should be removed and replaced with a landscaping scheme that compliments the car parking area. A “detailed” drawing should be submitted showing the car parking area and associated landscaping.
- (7) Alternative locations should be considered for the pumping station. The position of the pumping station should not take precedence over achieving a high quality housing layout.
- (8) The layout should give consideration to the inclusion of bungalows in keeping with those in adjacent Victoria Avenue to help to deliver a mixed community.
- (9) Some of the dwellings have very small back gardens, have inadequate separation distances and other instances are isolated and fail to form a cohesive streetscene. Other instances exist of dwellings failing to respect the amenity of neighbouring dwellings. Autumn House (at the end of Melbourne Place) will be overlooked by Plots 49 and 38. Moreover, plot 49 fails to comply with the 45 degree code and will have an overbearing impact on this property as a result. All need to be addressed by amendment to the design of the development.
- (15) The proposed footway leading from the application site to Victoria Avenue will suffer from a lack of natural surveillance. This should be widened to create a green link rather than being given over as garden space.
- (16) The site layout should achieve a minimum of 2 car parking spaces per dwelling (excluding garages).
- (17) The layout would benefit from a greater variety in plot widths and depths – particularly within the central area.
- (18) Affordable housing should be pepper-potted throughout the site.
- (19) During the Allocations process, the Local Highway Authority advised that the existing accesses were unacceptable, but that an access could be formed from Racecourse Mews if all three component sites were developed together. This is a lost opportunity to develop all three sites to provide firstly an adequate highways solution and secondly a cohesive design in this confined location. As submitted, the application is contrary to the Allocations DPD. No evidence of a collaborative approach to develop the allocation as a single entity has been provided.

6.0 SUMMARY

- 6.1 The site forms part of the TH2 (Depots, Station Road, Thirsk) site which is allocated for housing development in Phase 1 (up to 2016) and which should be developed as one scheme requiring collaboration between land owners, their agents and a developer(s). Developing the site for new housing is acceptable in principle subject to specific criteria contained within the Allocations DPD and site specific matters concerning design and access.

- 6.2 The proposed layout is wholly unacceptable and requires a complete re-think in order to deliver the aspirations of the Allocations DPD and the high standards of design required by the NPPF and the Council's Development Policies DPD.
- 6.3 The density of the scheme is too high and coupled with poor design results in an unacceptable form of development.
- 6.4 The Applicant has confirmed that an amended scheme is being drafted and will be submitted to the Council within the next few weeks, following which a further period of consultation with neighbours and consultees will take place.
- 6.5 The amended scheme is not expected to alter the primary access to the site which will continue to be via Admirals Court
- 6.6 The amount of affordable housing is close to the target set out in the LDF and subject to any design changes amount is considered to be acceptable
- 6.7 Key consultation responses are awaited from the Local Highway Authority, NYCC Education and the Council's Environmental Health Officer.

7.0 RECOMMENDATION

- 7.1 Recommend that the application be DEFERRED to allow for outstanding consultation responses to be received and to further allow for consideration of any amendments to the proposal.

Parish: Sowerby

Ward: Sowerby

6

12/02437/FUL

Committee Date: 31 January 2013

Officer dealing: Mr T J Wood

Target Date: 25 February 2013

**Construction of a new 52 apartment extra care development with associated communal facilities including a new public library.
at Cherry Garth Home Chapel Street Thirsk North Yorkshire
for Housing 21.**

1.0 Proposal and site description

1.1 The proposal is to redevelop the site of the existing residential care home that is controlled by North Yorkshire County Council. The site is adjacent to the Thirsk Doctors practice and other health care facilities in the Lambert Hospital. The scheme does not include the adjacent medical facilities.

1.2 The site lies with the Thirsk and Sowerby Conservation Area and forms part of the southern fringe of Thirsk town centre. Open land lies to the south, with Sowerby Flatts and the Cod Beck leading south and south east as far as the A168.

1.3 The site has vehicular access via Chapel Street, to its junction with Castlegate and Westgate. To the east of the site is the public footpath that crosses the Sowerby Flatts. To the south of the site is the Bowling Green. To the west are the health facilities. To the north is Chapel Street and a terrace of new build dwellings.

1.4 The scheme provides a mix of 31 x 2 bed extra care apartments and 21 x 1 bed apartments. The proportion of affordable housing is stated to be 80% comprising apartments for affordable rent 50% (27 units), for shared ownership 30% (15 units), the remainder for outright sale 20% (10 units). The scheme is stated to be part of the Housing 21 Affordable Housing Programme 2011-2015. NYCC and HDC would have nomination rights.

1.5 Communal facilities associated with the extra care housing are proposed comprise a residents' lounge, restaurant, activity room and care shop. These facilities will be available to older people in the wider local community. The development also includes a new community library for Thirsk.

1.6 The site is allocated in the LDF Allocations DPD, for development in Phase 1, as Policy TH1 for (0.6ha) of land.

"This site is allocated for housing, for development in Phase 1 (up to 2016), subject to:

- i. development being at a density of approximately 80 dwellings per hectare, resulting in a capacity of around 50 dwellings (of which a target of 40% should be affordable);
- ii. Type of housing being elderly persons extra care accommodation;
- iii. Temporary re-housing of the existing residents during development;
- iv. Necessary infrastructure improvements including footpath links to the Town Centre, better drainage facilities and enhancements of the Town Centre CCTV being funded by developer contributions; and
- v. access arrangements meeting NYCC requirements, including improvements to the Chapel Street/Westgate junction.

1.7 The commentary to the policy statement notes under the heading "Proposed Development" as follows: "The site will be developed for self-contained homes for the elderly, with community facilities and care/support, to be accessed off Chapel Street."

1.8 The building materials are to be brick with some render below a roof of both slate and clay tile. A hedge behind a metal park railing is to form the boundary with the Flatts.

2.0 Relevant Planning and Enforcement History

2.1 There is a concurrent application for 12/02438/CON. "Application for conservation area consent to demolish existing residential care home" pending consideration.

2.2 There is no relevant earlier planning history and no enforcement history relating to the site.

3.0 RELEVANT PLANNING POLICIES:

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

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP3 - Community assets

Development Policies DP5 - Community facilities

Development Policies DP4 - Access for all

Core Strategy Policy CP7 - Phasing of housing

Development Policies DP12 - Delivering housing on "brownfield" land

Development Policies DP8 - Development Limits

Development Policies DP13 - Achieving and maintaining the right mix of housing

Core Strategy Policy CP9 - Affordable housing

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP28 - Conservation

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Core Strategy Policy CP18 - Prudent use of natural resources

Development Policies DP34 - Sustainable energy

Core Strategy Policy CP19 - Recreational facilities and amenity open space

Development Policies DP39 - Recreational links

Allocations Document Policy TH1 - Cherry Garth Care Home, Thirsk - adopted 21 December 2010

Development Policies DP37 - Open space, sport and recreation

Conservation Area Appraisal Thirsk and Sowerby Supplementary Planning Document - adopted 21 December 2010

4.0 CONSULTATION

Sowerby Parish Council

4.1 In the absence of the amended plans please note that Sowerby PC has reservations about the mass of the roofline on the present edition and hope that this will be improved on the final application. Also there is concern that there are insufficient car parking spaces and Councillors hope that the number can be increased.

Thirsk Town Council

4.2

NYCC Highways

4.3 In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

Parking

The LHA have had concerns regarding car park management, but are now satisfied this can be addressed through the implementation of a robust Travel Plan, which can be controlled as part of highways authority recommended condition HC-26. The Local Highway Authority (LHA) will expect to see that the Travel Plan minimises the staff demand on parking and

reduces the need for any associated parking for the library. Given the developers submission it is considered that this is acceptable.

The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant.

The proposed development will increase the number of vehicles using the Chapel Street/Westgate junction; to mitigate this additional capacity the LHA will be seeking a contribution of £16,500 from the developer. It should be noted that the adjacent residential developments on Chapel Street have also contributed to the junction improvements in this location; the contribution costs for all developments in this area have been calculated in the same manner, using daily trip rates.

Conditions are recommended in respect of construction access via Chapel Street only, turning and parking space, construction storage and parking space, mud on the road prevention and travel planning.

NYCC Archaeology

4.4 Response awaited

North Yorkshire Police

4.5 Summary response Crime – for 9 streets surrounding this location there were: 191 crimes and 213 anti-social behaviour reports. Within the 191 crimes were 61 crimes of violence, 12 burglaries and 31 cases of criminal damage. The crimes ranged from threats to kill, malicious wounding, wounding with intent to do grievous bodily harm, to common assault.

Recommendation 1. Fencing. There should be fencing on two sides of this complex – one side adjacent to The Flatts and the other adjacent to the bowling green. Fencing should be 1.8m high and made of railings or weldmesh similar to that on the bowling club.

Recommendation 2. Car Parking. There are 30 car parking spaces. Application states - 'There would be no intention to designate parking bays within the scheme.'

I recommend that the majority of these parking spaces should be allocated to the residents and staff of the Home for the following reasons:

Firstly is the car parking area on land belonging to the Home?

Occupants:

a) People who use the library, swimming baths and bowling green will park at these spaces and then leave their vehicle there to go shopping.

b) The Home is for 52yrs age upwards. Some will have their own vehicles.

c) If the car park is full do we expect aged occupants to walk across the town centre, in the dark, in bad weather and in fear of crime and anti-social behaviour during the evening.

d) A vehicle owner who cannot see their vehicle, in this high crime area creates the fear of crime in their mind – a Material Planning Consideration.

Staff: a) Staff should also be able to park their vehicles at this location for the above same reasons.

Visitors, some of whom can be elderly themselves, who come to see the residents of this complex should be able to park their vehicles for the above reasons. It would be a poor state of affairs if visitors refused to come and visit the residents solely because they were fearful to park on the other side of the town and walk back to the Home.

Location: If this Home were located in a residential setting there would not be a problem, but nearby parking here is very limited in the town centre especially on Market Days when any town centre parking is dominated by stall holders.

Secured By Design;

Communal areas – SBD requires ‘that any such space is secured to provide access to the occupants of designated buildings.

This application states; ‘...the scheme should achieve a BREEAM rating of very good which is a condition of grant funding.’

To achieve the above the Code for Sustainable Homes HEA3 states: Private space – A credit is awarded if the private space is only accessible to the occupants of designated buildings.

Recommendation 2a

That signage be erected for the residents allocated car parking spaces, and that the allocated car parking spaces be granted a Local Order so enforcement can take place. Perhaps the cost of the Local Order should be met by the applicant.

Recommendation 3. External Doors.

I note that there are 11 external doors giving immediate access into the Home. External doors can give a thief a way into the Home or an escape route from the Home. That all the external doors meet PAS 24 – 2012 nor WCL 1, and that the Fire Doors should comply BS 476 have a facility whereby if they are opened it sounds an alarm in a management office and that the doors must be devoid of any external furniture. The doors should display a warning that if they are opened it will sound an alarm.

Internal doors.

Doors to the residents flats should conform to the same standards as the external doors.

Access Control.

Theft from communal buildings such as this, where the public have a right to occupy the same building produces crime such as ‘sneak in thefts.’

The thief will wait for an opportunity to follow somebody through to the ‘private’ part of the building and then by trying room door handles will quickly step into a room and steal what can be found and make a quick escape.

Alternatively, persons walk around the periphery building and lean into a ground floor window that is open and steal what is left on the window sill or on furniture immediately below the window. Usually the occupant is not present or asleep in a chair.

I have seen so many of these types of crimes.

Recommendation 4.

a) That there is a robust door entry access control system with CCTV to prevent anyone from walking from the ‘public’ side of the building into the ‘private’ side.

b) That there is fencing extending from the building to the perimeter fencing to prevent the public from being able to walk around the private gardens of this building.

AND that there are window limiters on the ground floor windows.

Recommendation 5.

That this development attain BREEAM Man 8 AND due to the lack of consultation that this development actually attain Secured By Design Certification.

NYCC Education

4.6 As the proposal relates to extra care housing no contribution is sought for education purposes.

Network Rail.

4.7 No observations

HDC Lifestyles manager

4.8 This has probably already been said but we are concerned that this development includes the library which is another service that will be located down Chapel Street that already has poor access / bad junction etc.

We don't know if there will be any off-site contribution for open space, sport. Allotments – but if there is we would like to allocate funding to schemes located around the Flatts area as this is on the development's door step

Environmental Health

4.9 I have looked at the application and in particular the information provided titled 'Elements to control Catering Kitchen noise'. Whilst I agree with the principals for the design of a ventilation system as detailed, these are general in nature and there is no detail on the actual system to be installed.

There is a risk that if these installations are not designed and sited appropriately that neighbouring properties could suffer a loss of amenity or nuisance from odour/noise. A condition is recommended relating to the design and installation of a kitchen exhaust system.

Environmental Health Scientific Officer

4.10 Recommends conditions relating to remediation of contaminated land.

The application has been submitted together with a contaminated land desk study provided by Solmek Environmental and Geotechnical Engineers. The report looks at possible contamination issues on the plot as a result of historical land uses. A search of the historical maps associated with the development shows that until 1893 the site was undeveloped. From 1893 until 1968 there was an unidentified building on part of the site fronting onto Chapel Street. This building was demolished around 1968 when the angular shaped building named Cherry Garth was erected on site. It appears this is the building currently on site which is proposed to be demolished as part of this application.

The report identifies that contamination is likely to be encountered on site due to the presence of made ground. The report suggests that this made ground is likely to contain waste materials from the construction/demolition process including brick, glass, concrete, ash and possibly asbestos. I would agree that such contaminants would be likely to be encountered as part of the development, but the quantities and composition of the made ground are still unknown. The report goes on to suggest that this made ground which is likely to be encountered on site could generate gases which adversely impact on the development. The report recommends a series of ground gas monitoring visits and tests of the made ground composition prior to the development taking place.

I agree that given the potential for contamination to exist at the site further information needs to be gathered prior to the development commencing. The report recommends further investigation works with boreholes being dug within the footprint of the proposed buildings to carry out in-situ testing and to investigate the nature of the deposits. The report also recommends that gas/groundwater monitoring should be undertaken within some of these boreholes. I agree with the report's recommendations that further information regarding the composition and levels of potential contamination is needed before decisions on the extent of remediation works can be taken. A condition is recommended accordingly.

Yorkshire Water

4.11 Advise that if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure: separate systems of drainage for foul and surface water including balancing works and the works should be

completed before occupation. Amendments are required in the basic layout of the drainage scheme indicated on the drawings submitted to achieve stand off distance between drains and buildings.

Foul water domestic waste should discharge to the public foul/combined water sewer recorded nearby in Chapel Street. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network. The Application states soakaway for the disposal of surface water from the site. Off-site drainage may be required. This may be provided by the developer.

HDC Conservation Officer

4.12 I have concerns regarding the height and massing of this proposed development. When viewed from Sowerby Flatts the proposal in my opinion will block views to the rear of the Market Place and mask the historic roofscape, which provides an important setting to the Flatts within the Conservation Area.

It is also my opinion that the proposed development will be at odds with the Victorian Terrace at Villa Place, which is a two storey terrace. The current Cherry Garth building sits reasonable well within the site and when viewed from the south appears to be of a similar height to Villa Place. The proposed development however will be much taller and wider and will be incongruous within this setting.

There have been attempts made by the Architects to lower the roofline of the building and to vary the heights, which goes some way towards improving the design in this setting, however I do not feel that this goes far enough and would prefer to see a two storey building with sections raised to 2.5 storeys. As proposed I cannot see how this development would make a positive contribution to local character and distinctiveness nor sustain or enhance the Conservation Area as required by NPPF para 126.

Public comment

4.13 The proposal has been advertised in the local press and by site notice. Prior to the submission of the application two community consultation events were held in Thirsk by the applicants. The results of the community consultation event are reported in the Design and Access statement submitted with the application.

Three neighbour consultation responses have been received in response to advertisement of the application:

a) Stating concern over the amount of traffic in Chapel Street if there is to be a public library. Questions the adequacy of the parking area and whether sufficient space is to be made available for library users.

b) Whether there is adequate space within the library and care home for staff. A staff room of 12 sqm is proposed on the ground floor.

c) Concerns with the look and size of the proposed building. We have just had some new houses built next to Villa Place, which are not within the look of the existing properties and now this has been proposed. It is certainly not within the look of Chapel Street and I have even more concerns on the amount of traffic to the care home and to and from the library. Chapel Street is a very narrow street unable to cope with the amount of traffic now especially coming from the leisure centre. Also we do have issues with delivery trucks especially to the Co-op, they struggle to reverse due to the narrow street. What will be done to alleviate the traffic concerns?

5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application are matters relating to:

- a) Sustainable location
- b) Policy objectives for housing for the elderly
- c) Design
- d) Impact on the Conservation Area
- e) Highways, access and car parking
- f) Amenity of neighbours
- g) Sustainable construction
- h) Drainage and flood risk

Sustainable location

5.2 The Hambleton Local Development Framework (LDF) Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. The overarching strategy set out in the Core Strategy CP6 is to locate most of the new housing (at least 51%) in the Principal Service Centres of Northallerton and Thirsk. Following the Core Strategy the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.

5.3 The site is allocated (TH1) for housing development in Phase 1 (up to 2016) and subject to the provisions detailed within paragraph 1.6 of this report. The allocation follows the Core Strategy CP8 that identified that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings.

5.4 The extra care housing proposed is noted to fall within the Use Class C3 (dwellinghouse). It is also therefore required to make a contribution towards affordable housing in accordance with Core Strategy CP9. In the Thirsk hinterland the LDF seeks to achieve 40% of housing to be “affordable”.

5.5 The proposal makes provision of 80% affordable housing, which reflects local housing need in the extra care sector. The proposal therefore exceeds the target level of affordable housing.

5.6 The location is within walking distance of a wide range of town centre services and is therefore a sustainable location in terms of the LDF.

Policy objectives housing for the elderly – Allocation Policy TH1

5.7 The Allocation Policy TH1 identifies the required type of housing being “elderly persons extra care accommodation”. The proposal therefore meets the policy requirements.

5.8 The range of elderly persons housing includes Continuous Care Retirement Community (such as the Thornton Gate CCRC), sheltered accommodation, care homes, with various tenure arrangements and built formats. Government policy is to provide a choice of different types of housing to enable elderly people to find housing that meets their particular housing needs. Extra care accommodation is one of a range of types of elderly person housing, it is promoted by Government and supported by North Yorkshire County Council.

5.9 The Design and Access Statement described Extra Care housing as bridging the gap between ordinary/sheltered housing and residential care. Extra Care housing therefore offers a new choice to older people in terms of being able to remain within the setting of their “own home” and within a community setting.

5.10 The Policy TH1 states that the density of development to be approximately 80 dwellings per hectare, resulting in 50 dwellings of which 40% should be affordable". The scheme proposes 52 dwelling with communal facilities for residents and a library.

5.11 The proposal seeks to achieve a greater amount of development than envisaged in the Policy TH1, primarily through the inclusion of the library.

Design

5.12 Policy DP32 states that "the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential." It continues "Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness."

5.13 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

5.14 The use will contribute to the creation and maintenance of a sustainable community, as it provides for a growing elderly population. The relatively high density development makes efficient use of land close to Thirsk Market Place which with enhancements to the pedestrian routes would be highly accessible to and from the site.

5.15 The form of extra-care housing where residents can access communal facilities via a corridor and receive 'social' support from staff drives a scheme that has a central hub and radiating corridors leading to individual residential units. This scheme follows that concept. The result of this approach is commonly large 3 storey buildings with a wide span. The Design and Access Statement and Heritage Statement observe the absence of large scale modern buildings and that vernacular detailing of the 18th and 19th century predominate. The design is intended to reflect that of buildings in the surroundings and to limit the impact of elevations facing the Flatts.

5.16 The design of the scheme has been revised following critical analysis by officers of the Council. The ridge height has been reduced, and the uniform height has been broken by introducing changes in the ridge line. The overall height of the building is still greater than any neighbouring building and would be the dominant feature in most northerly views from the Flatts.

5.17 The size of the building is determined by the type and the amount of accommodation. The LDF policy TH1 planned "for approximately 50" dwellings. The scheme proposes 52 dwellings and therefore within the scope of "approximately 50". However, the provision of a (320sqm) library is additional to the amount of development in the allocation and in size is about equivalent to 4 extra-care apartments.

5.18 The updated Design and Access statement explains how libraries have been successfully integrated with extra-care accommodation. It also explains

"The County Council has been, for a number of years, seeking an alternative location for the community library in Thirsk. Standalone library services, especially those - like Thirsk - that are in buildings not owned by the County Council, buildings that are old and cost a lot to repair are becoming unsustainable. Buildings without partners that share the revenue charges, are at risk in the long term and cannot be sustained.

Options have been considered in Thirsk, namely a partnership with the District Council for the swimming pool (which the District Council could not support) and the old bingo parlour (since redeveloped) which was too costly and had no car parking. There are at present, no

other options for a town-centre location that provides the correct space, has parking and is affordable.

It is also the County Council's policy that in future, stand-alone libraries will not be provided. Long term, sustainable partnership with sympathetic partners is the way forward and libraries within extra care housing is a proven partnership model.

If this proposal is not supported and no other alternative is available, the library in Thirsk may be at risk."

5.19 In light of the changes to the design and notwithstanding the greater scale of the building than described in the Allocation document it is considered that the elevational design achieves the standard required by the NPPF and Policies CP17 and DP32 of the Hambleton Local Development Framework. The bulk of the building is considered below.

Impact on the Conservation Area

5.20 The impact of a large new building in a Conservation Area setting can be significant. The objective of the LDF Policy CP16 is that the impact will be to preserve or enhance the environment, noting that particular support will be given to initiatives to improve the natural environment where it is poor and lacking in diversity, and at DP28 that the historic heritage of the District will be ensured by identifying, protecting and enhancing Conservation Areas. All development in a Conservation Area should seek to "preserve or enhance all aspects that contribute to its character and appearance".

5.21 The new building will be accessed from Chapel Street but will also have a significant effect on the setting of The Flatts.

5.22 The Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document refers to the importance of Sowerby Flatts to the town of Thirsk and the village of Sowerby: "The Flatts have however remained undeveloped and form an important component of the character of the Conservation Area." (3.1.11) In describing open space around the settlements note is made that "Equally important to both the village and Thirsk itself is the larger open area of Sowerby Flatts, which allows significant views across open fields and provides the setting to the Conservation Area in the southern part of the town." (4.6.8)

5.23 A further section of the appraisal deals exclusively with The Flatts and notes that "The views of Thirsk are dominated by the modern developments of the swimming pool and residential home accessed from Chapel Street but the historic character of the town peeps through in the form of Villa Place, a short late Victorian terrace facing out across the open fields. These buildings and the contoured playground form the visual boundary of The Flatts and their form and layout produce a soft edge between the urban area and the green recreational space." (5.2.67) "In the northern part of The Flatts the character is that of an attractive municipal recreation area and the facilities bordering the space reflect this use well." (5.2.68)

5.24 In order to achieve the objective of preserving or enhancing the character and appearance of the Conservation Area the applicant has been advised of the need to reduce the bulk of the building. No gaps are present in the east elevation of the building that faces on to the Flatts. The absence of breaks in the east elevation and the increased footprint of the building results in views that are currently possible from the path/cycle track through to the historic core of Thirsk being blocked. This is considered to harm the character and appearance of the Conservation Area.

5.25 The ridge height of the building has been reduced as shown on amended drawings submitted on 16 January 2013. The initial scheme showed a ridge height of 12.517 metres the amended drawings show a reduction in ridge height of 567mm to 11.950 metres.

Existing building eaves height 5.83 metres
Existing building ridge height 7.97 metres

Proposed building eaves height 7.539 metres
Proposed building ridge height 11.950 metres

Increased in eaves height 1.709 metres
Increased ridge height 3.98 metres

5.26 The amendments reduce the height and apparent bulk of the building and other improvements in design detailing reduce the level of harm caused to the character and appearance of the Conservation Area from that shown on the initial submission, however the scale of the building is much greater than any other building in the townscape that is visible from the site. The scale of the building is not in keeping with the surrounding buildings and it would dominate the immediate vicinity. The dominant scale of the building is considered to harm the character of the Conservation Area around the eastern boundary of the application site. The scale of the building when viewed from Chapel Street and from the yard of the health centre is not considered to cause significant harm due to the lower height of the building on the northern and western side and the large scale rural landscape that forms the backdrop to the building.

5.27 As noted above the form of the building stems largely from the standard format for extra-care accommodation. The scale of the building is however also driven by the number of apartments and the size of the library. The floor space of the library equates to 4 extra care units. It can be assessed that if the library was not provided on site that the building footprint could be reduced. A reduction in footprint would increase the potential for existing landscape features (trees) to be retained and greater scope for glimpses and views of the historic core of Thirsk from the Flatts to be maintained.

5.28 Justification has been provided by the County Council (library service) noting the need to relocate from the existing site on Finkle Street; this is reported in the Design and Access Statement and repeated at 5.18 above. Documents submitted show that in 2002, 2005 and 2008 the County Council had acknowledged they wished to provide library premises that were an improvement upon the Finkle Street premises. On 31 March 2008 the Adult and Community Service Capital Programme Board considered a report relating to Access to Services via Library and Registration Premises that amongst 10 schemes noted "An improved co-located facility in central Thirsk would improve performance and early plans/feasibility for the Cherrygarth site do include this option." However, this aspiration was not made known to the planning authority and when the LDF Allocations document was prepared it did not include reference to a library on the site. No representations were received during the consultation period that suggested a library should be included in the allocation.

5.29 No further reference has been made regarding the incorporation of a library in the scheme until the time of the application. In order to reduce the harmful impact on the Conservation Area the reduction of the size of the building should be reduced.

5.30 The aim of the additional requests for design work has been to ensure that the building does not dominate the scene so that it would not cause harm to the experience of using The Flatts, or crossing the Flatts on any of the footpaths. The amended scheme has not yet achieved this aim.

5.31 The scheme requires removal of all trees that stand within the ground of Cherry Garth with the exception of those at the entrance to the site from Chapel Street. A limited width of land around the building remains and is shown to provide a modest landscaped area of new small trees and shrubs, bounded by railings and hedge all of which are appropriate too, and assist in maintaining the 'soft edge' described in the Conservation Area Appraisal. The loss of mature trees around the site cause harm to the character and appearance of the Conservation Area.

Highway access and car parking

5.32 The site currently is used as a care home with 37 single rooms and 4 shared rooms (with 45 residents) caring for people of old age (65+) and with physical disability. The scheme results in a change to (21 single bedroom and 31 two bedroom) 52 apartments extra-care unit and 320 sqm library.

5.33 The access by pedestrians to the Market Place is via four pedestrian paths through yards, the best of these is considered to be through the Golden Fleece yard. The footways on both sides of Chapel Street may require enhancement to ensure that the route through to the Market Place is fully accessible. A planning condition could be applied to require upgrades to the footway network (such as additional drop kerb or tactile paving). Such improvements would be in accordance with the requirements of Policies TH1 and DP2.

5.34 The parking requirements are identified in the Transport Assessment in accordance with the NYCC parking standards (2003). This identified the following level of parking is required:

Extra Care Apartments - 51 - number 1 space per 4 Units = 13
Extra Care Employees Assume 6 staff 1 space per 2 Staff = 3
Care Office Single small office 1 Space + 1 Visitor = 2
Cafe/Dining (Guests) Assume 4 Guests 1 Space per 2 Guests = 2
Hair Dressers' 30m2 1 Space + 1 Visitor = 2
Library (Employees) Assume <6 Staff 1 per 3 Staff = 2
Library (Visitors) 200m2 1 per 50m2 = 4
Mobile Library 1 Vehicle 1 Space = 1
Total parking demand = 29 spaces of which one would suit a mobile library.

5.35 The proposed development contains a total of 30 car parking spaces which equates to approximately 1.7 spaces per dwelling. The spaces are not shown to be formally allocated for the library, staff, visitors and residents, rather they would be available to any user. The existing library on Finkle Street has 17 car parking spaces, including 2 disabled person badge holder spaces and 3 spaces for staff. The Transport Assessment considers that the library would be the most significant generator of vehicle movements but that these would be spread throughout the day and would not significantly impact upon the peak flows. Control systems to prevent abuse may be necessary to avoid the site being used as an overflow from the town centre or to avoid having to make payment for parking. This level of provision is considered to be acceptable in the Transport Assessment and in the view of the Highway Authority. The Local Highway Authority has advised that the capacity of the junction of Chapel Street and Westgate should be increased and has sought a contribution to defray the costs of forming a mini-roundabout at the junction. This improvement is in accordance with the requirements of Policies TH1 and DP2.

Amenity of neighbours

5.36 The scheme has potential to impact directly upon neighbours at the health centre/doctors surgery and Lambert Hospital (to the west) and upon the newly built dwellings on Chapel Street (to the north).

5.37 The Council applies indicative separation distance of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired Supplementary Planning Guidance Note 3: Residential Infill. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within the Government publication "By Design". Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.

5.38 The westernmost part of the extra-care building is approximately 2.5 metres from the site boundary with the health centre, the minimum building-to-building distance is 10 metres from the health centre to a single storey plant room on the side of the extra-care building. The most substantial impact upon the environment around the health centre would be from the library element which is 2 storeys (less than 6 metres to the eaves and about 11 metres east of the health centre). However, it would not cause an overbearing effect on the health centre.

5.39 The northernmost wall of the new building would be no nearer to the neighbours than the existing building and the tree which sits in the intervening space on land within the garden of Cherry Garth would be retained. Stair (3) has windows facing north looking towards the newly built dwellings Smith Terrace at a distance of 16.5 metres. A requirement to obscure glaze and screen the windows to prevent night time light pollution from the permanently illuminated stairwell would be appropriate to protect the amenity of neighbouring residents and can be made the subject of a planning condition.

Sustainable Construction

5.40 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.

5.41 In response to the requirements of DP34, an Energy Assessment has been undertaken using a newly available assessment tool known as "C-Plan". The results will be reported to the Committee meeting if they are available, otherwise this will have to be dealt with by condition if permission is granted.

5.42 The application notes that the scheme is being designed to achieve a BREEAM rating of "very good" and that this is a condition of grant funding. Consequently, it is recommended that a suitably worded condition be applied in order to secure implementation of a scheme to achieve the Policy DP34 objectives.

Drainage & Flood Risk

5.43 A foul drainage and surface water drainage strategy has been produced to provide foul drainage without the need for a pumping station and maintaining floor and ground levels no higher than currently exist. The existing ground levels are generally in the range of 34.8 – 34.9 metres (above ordnance datum (AOD)); the proposal is for the finished ground floor level to be 35.1 AOD. The scheme proposes to achieve surface water disposal by soakaways. The Flood Risk assessment by Peters Associates reports:- "The site is considered to be at low risk of fluvial flooding. Study of the Environment Agency Indicative Flood Plain Mapping shows the site to lie within Flood Zone1 indicating that the site has a low probability, less than 1 in 1,000 annual probability (<0.1%), of flooding from watercourses, rivers or the sea. The greatest flood risk to the development is likely to be from local drainage system failure or exceedance. General site levels and the finished floor level should be carefully designed to allow overland flows from failure or exceedance to pass safely around the new building."

5.44 The development of the site will require a new drainage system designed to suit the final approved layout, and in compliance with current Building Regulations and Sewers for Adoption. The system would be adopted by Yorkshire Water.

5.45 It is recommended that conditions be applied to any planning permission to ensure the implementation of suitable foul and surface water drainage schemes.

Public Open Space

5.46 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in open space provision related to the development. Contributions will be dependent on increased demand resulting from the development.

5.47 The specialist nature of the housing proposed is such that there can be anticipated to be a residents' demand and need only for Amenity Green Space, and that Children's play, Teenage and Youth, formal outdoor sports and allotment gardens are types of open space that would not be needed by future residents. The amount of space laid out around the building is broadly equal to the amount of open space required for the development as set out in Table 4 of the Open Space, Sport and Recreation Supplementary Planning Document. The premises are proposed to be open for use by other older people in the community and the space on site will to some degree be available to the public. Accordingly no additional contribution is sought for off-site open space.

Conclusions

5.48 The redevelopment of the site for 52 extra care housing units would be fully in accordance with LDF policy. However, the scheme varies from that proposed in the Allocations DPD through the inclusion of a new library. It is primarily this aspect that results in a larger building than envisaged by Policy TH1 and which would harm the character and appearance of the Thirsk Conservation Area. Considered on these grounds alone, the development should be refused.

5.49 However, the applicant has highlighted the need to secure improved accommodation for Thirsk library and co-location with extra care housing is an increasingly common supply model. Apart from sharing building running costs, the library would bring people to the site and this would make it easier for residents to be active within the local community. Whilst the search for alternative options for provision of a new library has not been exhaustive, no evidence has been presented to suggest that another opportunity exists at present.

5.50 On balance, the advantage of securing a new library for Thirsk and its compatibility with the extra care housing are considered to outweigh the harm to the Conservation Area in this exceptional case.

Procedural matter

5.51 If members resolve to grant planning permission the application will be advertised formally as a departure from the provisions of the Local Development Framework. Any new representations that are made which have not been considered previously and which are material to the decision that is to be made will be presented to the Planning Committee for further consideration.

Monitoring information

5.52 Policy CP2 and DP3 The scheme is recommended to be the subject of a Travel Plan. CP9 and DP155 The scheme provides affordable housing. CP18 and DP34 The scheme is to meet renewable energy or energy savings targets. CP20 The scheme is likely to achieve "secured by design" standard.

SUMMARY

The redevelopment of the site for 52 extra care housing units would be fully in accordance with LDF policy. However, the scheme varies from that proposed in the Allocations DPD through the inclusion of a new library. It is primarily this aspect that results in a larger building than envisaged by Policy TH1 and which would harm the character and appearance

of the Thirsk Conservation Area. The applicant has highlighted the need to secure improved accommodation for Thirsk library. Apart from sharing building running costs, the library would bring people to the site and this would make it easier for residents to be active within the local community. Whilst the search for alternative options for provision of a new library has not been exhaustive, no evidence has been presented to suggest that another opportunity exists at present. On balance, the advantage of securing a new library for Thirsk and its compatibility with the extra care housing are considered to outweigh the harm to the Conservation Area in this exceptional case.

8.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. The development shall not be commenced until tree guards, comprising chestnut pale fencing, at least 1.5 metres high have been erected on the perimeter of the branch spread (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.
5. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
6. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 5 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
7. The development shall be undertaken in accordance with the approved details of finished floor and ground levels shown on drawing ___ and shall thereafter be retained in the approved form.

8. No development shall be commenced until further work to assess the risks posed by land contamination has been carried out. This work should comprise a series of boreholes, in-situ tests, and ground gas monitoring as recommended in paragraphs 11.18-11.20 of the Solmek report submitted with the application. The investigation works must be carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, and a report must be submitted to and approved by the local planning authority. Should remediation works be necessary a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

10. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

12. The kitchen facilities shall not be brought in to use until a system extraction/refrigeration equipment has been installed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

13. Stair (3) shall be fitted with a scheme of lighting and glazing and screen to prevent a loss of privacy to neighbours and prevent night time light pollution from permanently illuminated stairwell. Details to be submitted to and approved by the LPA.

The reasons for the above conditions are:-

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

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy.

4. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Hambleton District Wide Local Plan 1999 Policy.
8. In order to protect humans from exposure to land contamination that may result in chronic health problems.
9. In the interest of satisfactory and sustainable drainage in accordance with the Local Development Framework Policies CP21.
10. In the interest of satisfactory and sustainable drainage in accordance with the Local Development Framework Policies CP21.
11. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal and in the interest of satisfactory and sustainable drainage in accordance with the Local Development Framework Policies CP21.
12. To protect adjacent dwellings from the adverse effects of noise and odours arising from the use of the building in accordance with the Local Development Framework Policies CP1 and DP1.

Parish: Sowerby

Ward: Sowerby

7

12/02438/CON

Committee Date: 31 January 2013

Officer dealing: Mr T J Wood

Target Date: 14 January 2013

**Application for conservation area consent to demolish existing residential care home.
at Cherry Garth Home Chapel Street Thirsk North Yorkshire
for Housing 21.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The proposal is to remove the existing buildings on the site in a phased manner to enable the redevelopment of the site of the existing residential care home as an extra-care facility together with public library and parking.

1.2 The site lies with the Thirsk and Sowerby Conservation Area and forms part of the southern fringe of Thirsk town centre.

1.3 None of the buildings within the site are of historic importance nor have they importance as a habitat for wildlife.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP28 - Conservation

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATION

4.1 Sowerby Councillors request that no demolition takes place before the determination to approve the building application is in place. Sowerby Parish Council will give their view on the building application at their January meeting.

4.2 Site notice, press notice and neighbour notifications: No responses received.

5.0 OBSERVATIONS

5.1 The requirements of Policy CP16 and DP28 of the Local Development Framework are "to protect and enhance Conservation Areas" and to do so by "protecting and preserving any other built or landscape features or use which contributes to the heritage of the District".

5.2 The buildings within the application site boundary are of modern design and whilst of a form that is common to their use they do not actively enhance the character or appearance of the Thirsk and Sowerby Conservation Area. The clearance of the site would not cause harm to the Conservation Area provided that the building waste is removed from the site and the land restored to an appropriate further use. A condition can be applied to only allow demolition to commence once a contract has been let for the reconstruction work to commence. Such an approach is considered appropriate in this instance and that subject to such a condition the application can be recommended for approval.

9.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be GRANTED

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The demolition shall not commence until planning permission has been granted and a contract has been let for the construction of the replacement building.

8

12/02325/TPO

**Application for works to fell and stump grind sycamore tree subject to Tree Preservation Order 1995/17.
at Sycamore House Sutton Under Whitstonecliffe North Yorkshire YO7 2PR
for Mr & Mrs D Raw.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent to fell a Sycamore Tree which is situated to the side of Sycamore House, Sutton-under-Whitstonecliffe. The tree is situated approximately 5m away from the main dwelling and was made the subject of a TPO in 1995 prior to the construction of the dwelling.

1.2 An arboriculturalists report accompanies the application and this details the main reasons for the proposed felling of the tree. This clarifies that the mature tree with a height of 16m is with the exception of some ivy growth "free from external signs of disease or weak branch attachment. The general condition of the tree is good and the only problem concerning the tree is its effect on the property".

1.3 The report details that there are some masonry cracks in the exterior of the house and some internal doors sticking in the house which "could be as a result of minor foundation movement due to the sycamore influencing the hydration in the subsoil clay beneath the foundations". It confirms that the foundation design of the house was to the NHBC guide for strip foundations in relation to trees. In August 2011 monitoring pips were fixed at 1m intervals around the house in order to survey whether the pips are moving up or down. However a 2nd survey reading was not undertaken in 2011 due to the wet weather following a very dry period as "the chance that the building was moving due to the tree was too low to justify the costs". It has not "been practical to test this year because it is so wet the ground problems are water-logging not clay shrinkage." Investigations from lifting flag stones have shown that root lift from the Sycamore is distorting the path. The overall conclusion is that the path can be relayed "to the standard of an A Class road" in order to retain the tree, but this "does not take away the subsistence risk to the house. Not unreasonably, after a year's, effort, it is wished to bring the matter to a conclusion and the Raws do not want to have to undertake a third year's monitoring: therefore in my opinion the reasonable course would be to fell the sycamore and plant 2 replacement trees."

2.0 HISTORY

2.1 2/98/145/0104B - construction of detached dwelling granted 1998

2.2 TPO2/00/145/0125 - application for consent to carry out works to tree granted 2000

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

4.0 CONSULTATIONS

4.1 Parish Council - wish to see approved "We would request that the gap be in filled with a suitable hedge, in keeping with those in the rest of the garden."

4.2 Neighbours/site notice expired 5 December. No response.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the visual impact the tree has upon its surroundings and upon the character and appearance of the Conservation Area together with an assessment of the reasons for felling the tree.

5.2 The tree is highly prominent and visible within the street scene and from a wide area due to its roadside location and position within the village. It is tall and attractive and much more visible and noticeable than any other surrounding trees in this area. It is considered to be a very attractive tree which contributes positively to the character and appearance of the village on its approach and to the general area. As such there are concerns about the proposal to fell it.

5.3 The submitted report and reasons put forward for felling the tree require careful consideration. Firstly, looking at the condition of the flag stone path it has been suggested that the tree has been responsible for some damage to this path. It is also noted however that this may be relayed and repaired and whilst doing this is a cost to the owner it is considered a reasonable cost in order to retain the tree. Other cheaper methods of alternative path may be suitable such as replacing the flag stones with a gravelled path. Given the importance of the tree to the local environment the cost of repairing damage to the path is not considered to be a justifiable reason to fell the tree.

5.4 Secondly is the possible subsidence risk and damage to the house. It is noted that the foundations of the property were constructed in accordance with the engineering requirements for a new building in proximity to an existing tree. It is also noted that the submitted report does not confirm that the cracks to the masonry are as a result of "minor foundation movement due to the sycamore influencing the hydration in the subsoil clay beneath the foundations" only that it this is a possibility "could be" the report also notes the wet seasons, that monitoring has not been undertaken since the installation of tell-tales and therefore provides no significant evidence that any movement in the house is due to the proximity of the tree. Furthermore it is noted that the investigation and survey works required to confirm that this is the case have not been carried out. Without this survey work being undertaken it is considered that there is insufficient justification for the felling of this tree.

5.5 It is therefore considered that in the absence of any full and proper evidence to prove why the tree needs to be felled the application is to be recommended for refusal.

10.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason

1. There is considered to be insufficient justification to fell this tree which is of high visual amenity value and contributes positively and significantly to the character and appearance of the area. The proposal will therefore be contrary to Policy CP16 of the Local Development Framework which seeks to preserve and enhance the District's natural assets.