

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 7 November 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
Thursday 7th November 2013

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	13/01770/FUL Mr J Saddington Carlton Miniott Page no. 2	Revised application for the construction of 40 dwellings with associated garaging, access, landscaping and pumping station For: Taylor Wimpey (North Yorkshire) Ltd At: Land off Ripon Way, Carlton Miniott RECOMMENDATION: GRANT
2	13/01703/OUT Mr J Saddington Easingwold Page no. 32	Outline application for a residential development (up to 175 dwellings) with associated infrastructure and access For: Gladman Developments At: Land to the north of Stillington Road, Easingwold RECOMMENDATION: REFUSE
3	13/00583/FUL Mr A Cunningham Thornton le Beans Page no. 52	Alterations and extensions to existing dwelling as amended by plan received by Hambleton District Council on 6 June 2013 and 17 October 2013 For: Mr & Mrs T Phillips At: Crosby Rise, Thornton le Beans RECOMMENDATION: GRANT

Parish: Carlton Miniott
Ward: Thirsk
1

Committee Date: 7 November 2013
Officer dealing: Mr Jonathan Saddington
Target Date: 27 November 2013

13/01770/FUL

Revised application for the construction of 40 dwellings with associated garaging, access, landscaping and pumping station at Land off Ripon Way, Carlton Miniott, North Yorkshire for Taylor Wimpey (North Yorkshire) Limited

1.0 BACKGROUND & SUMMARY

- 1.1 This planning application is a resubmission of application ref: 12/02474/FUL which was refused on the 24th April 2013 for the following reasons:-
- 1) Premature delivery of new housing
 - 2) Excessive housing numbers
 - 3) External appearance of house types
 - 4) Insufficient level and mix of affordable housing
 - 5) Insufficient information on flood risk
 - 6) Insufficient information on risks posed by open lakes
 - 7) No off-site public open space, sport and recreation contribution
 - 8) No education contribution
- 1.2 The Applicant has sought to address the Planning Committee's concerns by providing more information. The proposed layout, housing mix and the appearance of house-types are unchanged, although the planning statement provides justification for the design of the proposed house types including a comparison with other developments in the area.
- 1.3 Full planning permission is sought for the construction of 40 dwellings with associated garages and parking, access, landscaping and pumping stations on land to the west of Ripon Way, Carlton Miniott. This would deliver a development of approximately 28.5 dwellings per hectare.
- 1.4 The proposed dwellings are all two-storeys in height and would provide a mix of 2, 3 and 4 bedroom dwellings in terraced, semi-detached and detached form, all with private amenity space.
- 1.5 The application site forms the majority of a site allocated for housing development under Local Development Framework policy TH5 at a density of approximately 30 dwellings per hectare, resulting in an estimated 36 dwellings. The allocation is in two phases: the northern part of the site (24 dwellings) in Phase 2 (2016-2021) and the southern part of the site (12 dwellings) in Phase 3 (2021-2026).
- 1.6 The National Planning Policy Framework (NPPF) requires local planning authorities to significantly boost housing supply. For Hambleton District, this means maintaining a 5-year housing land supply in addition to a 20% buffer to allow for under-delivery in previous years. In order to achieve this target, it is proposed to delete the phasing requirement within the Allocations DPD. This is subject to Cabinet approval on 5th November 2013.
- 1.7 The proposed development has been examined by the Regional Design Review Panel at both pre-application and application stage. The Applicant has responded positively to the Panel's recommendations and the Panel has commended the Applicant's pro-active approach.

- 1.8 The proposed layout and house types would result in an appropriately scaled and attractive development in this edge of settlement location 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.
- 1.9 The Applicant is unable to deliver a scheme of 40% affordable housing and a full quota of developer contributions due to high abnormal costs on site (mainly relating to ground conditions and drainage). The Council's Consultant Surveyor has undertaken a review of the Applicant's Economic Viability Appraisal (EVA) and has concluded that the scheme can deliver 8 units of affordable housing (20%) and make a total contribution of £148,100 towards the provision of essential infrastructure within Carlton Miniott.
- 1.10 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted subject to the signing of a s.106 agreement covering affordable housing and developer contributions towards off-site public open space and education.

2.0 PROPOSAL AND SITE DESCRIPTION

- 2.1 Full planning permission is sought for the construction of 40 dwellings with associated garages and parking, access, landscaping and a pumping station on land to the west of Ripon Way, Carlton Miniott. This would deliver a development of approximately 28.5 dwellings per hectare (dph). The amount of affordable housing has yet to be agreed.
- 2.2 The proposed dwellings are all two-storeys in height and would provide a mix of 2, 3 and 4 bedroom dwellings in terraced, semi-detached and detached form, all with private amenity space.
- 2.3 The proposed dwellings would be constructed using red-multi brickwork, pantiles and concrete tiles. Architectural detailing is of traditional form and incorporates: chimneys; header courses to windows; timber and tiled canopies above front doors; black rainwater goods mounted on fascia boards and timber-style panelled doors. Window profiles also reflect local character. A total of 80 car parking spaces (excluding garages) are proposed which equates to approximately 2 spaces per dwelling. 17 integral/detached garages are proposed.
- 2.4 Private defensible spaces would 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.
- 2.5 There is a relatively thin woodland planting belt running east-west across the central part of the site with mature trees generally planted in staggered rows. A substantial proportion of these trees would be retained. An informal pedestrian route with stepping logs and other natural play equipment would be created within this planting belt.
- 2.6 The development would be served by a single point of access off Ripon Way. Most of the internal layout would function as a shared surface for both pedestrians and vehicles.
- 2.7 Carlton Miniott village has two distinct areas of concentrated residential settlement located along the A61 main road. The two areas are visually divided by a central area of more rural open fields. The proposed development site is located at the western side of the 'eastern' area of the village settlement and covers an area of 1.46 hectares. It currently comprises of level area of paddock, bisected by an existing row of trees.

- 2.8 The Design & Access Statement describes the site as two adjacent land parcels which are both visually and physically divided by a post and wire fence and a belt of existing trees. Both land parcels are laid mainly to rough grass, however, within the southern land parcel close to the trees there is a small poly-tunnel and three small sheds.
- 2.9 The application site is contained on its eastern and southern boundaries by the existing village development, although part of the eastern boundary adjoins an allotment site contained within the larger TH5 site in the Allocations DPD. The western boundary comprises of an arable field and the northern boundary abuts the tree bounded Carlton Miniott Caravan Park. Beyond the northern boundary and a bank of mature trees lies the Carlton Miniott Park Lakeside Caravan Park a 27 acre Camping and Caravanning Club site with a 7 acre deep water lake. To the west a large arable field extends from Carlton Road, along the full length of the site's western boundary to Carlton Miniott Park at the north.
- 2.10 Site TH5 is allocated for housing development in two phases: the northern part of the site (24 dwellings) in Phase 2 (2016-2021) and the southern part of the site (12 dwellings) in Phase 3 (2021-2026), subject to:-
- i) development being at density of approximately 30 dwellings per hectare, resulting in a capacity of around 36 dwellings (of which a target 40% should be affordable);
 - ii) types and tenure of housing developed meeting the latest evidence on local needs;
 - iii) access being taken from Ripon Way;
 - iv) necessary infrastructure improvements (drainage in particular) being funded by developer contributions; and
 - v) 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 12/02474/FUL - Construction of 40 dwellings with associated garaging, access, landscaping and pumping station as per amended plans received by Hambleton District Council on 22nd January 2012 and 5th March 2013 – Refused on 24th April 2013 for the following reasons:-
1. The application proposes premature delivery of new housing on allocation site TH5 prior to Phase 2 (2016-2021) of the adopted Hambleton Allocations Development Plan Document and is therefore contrary to the provisions of Policy TH5.
 2. The proposed development exceeds the housing numbers identified within Policy TH5 of the adopted Hambleton Allocations Development Plan Document, resulting in an overdeveloped and unattractive layout contrary to policies TH5, CP17 and DP32 of the adopted Hambleton Local Development Framework which require high quality design.
 3. The proposed house types fail to reflect the local character and distinctiveness contrary to policies TH5, CP17 and DP32 of the adopted Hambleton Local Development Framework which require high quality design.
 4. The proposed development fails to deliver a sufficient level and mix of affordable housing, contrary to policies TH5 of the adopted Hambleton Allocations Development Plan Document and policy CP9 of the adopted Core Strategy which both stipulate a target of 40% affordable housing for the application site.

5. Insufficient information has been provided to demonstrate that the proposed development will not increase the risk of flooding elsewhere, having an adverse effect on watercourses and put people and property in danger, contrary to flood risk policy contained within the National Planning Policy Framework and policies CP21 and DP43 of the adopted Hambleton Local Development Framework.
6. Insufficient information has been provided to demonstrate how the risks posed by the open lakes located directly to the north of the application site can be mitigated and managed. Without a management strategy in place, vulnerable occupants of the proposed dwellings will be at risk of harm, contrary to policies CP1 and DP32 of the adopted Hambleton Local Development Framework which seek to ensure that all new developments are safe and secure.
7. The proposed development fails to deliver any off-site public open space, sport and recreation facilities contrary to Policy DP37 of the Hambleton 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.
8. The proposed development fails to contribute towards additional school places, child services and facilities contrary to Policy DP2 of the adopted Hambleton 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.

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

TH5 – Ripon Way, Carlton Miniott (1.2ha)

Other Relevant Documents

Affordable Housing SPD
By Design (Commission for Architecture and the Built Environment)
Public Open Space, Sport & Recreation SPD
Sustainable Development SPD
Hambleton Biodiversity Action Plan

5.0 CONSULTATIONS

Carlton Miniott Parish Council

- 5.1 Wish to see the application refused for the following reasons:-
- 5.2 The Ripon Way site was allocated for housing development in two phases of 24 dwellings in Phase 2 (2016-2021) and 12 dwelling in Phase 3 (2021-2026). Development of the site was subject to density of approximately 30 dwellings per hectare and thereby resulting in a capacity of 36 dwellings of which 40% should be designated as affordable. The application fails to comply with the terms of the original allocation in respect of Phasing, the number of dwellings and the proportion of affordable housing.
- 5.3 It is noted that the proposed housing development covers only part of the designated site. Assume that if the full quota of 36 Phase 2 and Phase 3 dwellings is erected on the site and in accordance with the aforementioned 30 dwellings per hectare policy, then further development on the site will not be permissible.
- 5.4 In summary, it is the Parish Council's contention that the application is not policy compliant and appears weighted towards maximising short-term profit for the Applicant rather than taking account of the medium to long term needs of the local community.

NYCC Highways

- 5.5 No objection subject to conditions.
- 5.6 The Local Highway Authority (LHA) has carried out an assessment of the available visibility from the junction of the cul-de-sac and can confirm that a splay of 2 metres x 32 metres is available to the north.
- 5.7 The LHA has also undertaken a short speed survey and based on this survey, the LHA advise that this splay is commensurate with the visibility guidance in Manual for Streets. There were no parked cars on the street during the surveys but if there were, it is expected that vehicle speeds would be lower than those surveyed. Visibility to the south exceeds the guidance. The cul-de-sac measures 5.7m wide which is adequate for two heavy goods vehicles to pass each other.
- 5.8 The LHA note that concern has been raised relating to construction traffic possibly parking outside the site. The Area Highway Inspector would be making regular visits to the site to inspect the highway works and would respond to this if it were to occur.

NYCC Education

- 5.9 Require a developer contribution of £135,960 towards the anticipated need for 10 new primary school places arising from the development (comment based upon 40 dwellings).

HDC Leisure Services Officer

- 5.10 Comments made in relation to application ref: 12/02474/FUL - The site is in very close proximity to the Carlton Miniott Playing Field. The Playing Field Association responsible for the playing field has a comprehensive improvement plan, including: improving the play equipment, drainage and levelling of the football pitch, development of a multi-use games area and the building of a pavilion so recommend that any off site contribution is put towards this scheme.

HDC Senior Scientific Officer (land contamination issues)

- 5.11 Comments made in relation to application ref: 12/02474/FUL - Agrees with the findings of the Phase 1 Desk Study report (project No.12-0391.02) prepared by Delta-Simons, who recommend further intrusive site investigation. These works are required in order to assess the presence of contamination from previously unidentified sources, particularly if re-use of soils is proposed, the presence of any contamination associated with allotments (including water sampling) and to identify whether potential sources of ground gas may be present. The further works should also focus on the southern part of the site which was not accessible at the time of the site inspection as potential sources of contamination may exist that have not been identified due to the access restrictions.

HDC Senior Engineer (drainage issues)

- 5.12 Comments made in relation to application ref: 12/02474/FUL - The developer has provided a drainage strategy document which sets out the principles of the site drainage.
- 5.13 The proposed development is on land currently used as a paddock. Disposal of both foul and surface water will be by means of newly constructed pumping stations due to the shallow depth of the existing public foul sewerage system and the shallow depth of the drainage ditch identified for disposal of surface water from the site.
- 5.14 The Environment Agency Flood Maps indicate that the proposed development site and neighbouring land is located in Flood Zone 1, this is the lowest category of flood

risk identified by the EA. All land in England being in one of three flood zones, one the lowest and flood zone three the areas of highest estimated flood risk.

- 5.15 In respect of foul drainage, the developer has proposed a new foul pumping. There are a number of consultation responses expressing concern about the capacity of the public sewerage network to accept additional foul flows. Yorkshire Water as owners and operators of the public sewerage system should be best positioned to understand the capacity available within their system. There is however a potential opportunity for developer and water company to work together to arrange the discharge of the foul flows from the proposed new development to a point where it has least adverse impact or is to the best advantage of the existing network.
- 5.16 It is proposed that surface water flows are discharged direct to ordinary watercourse/drainage ditch located approximately 150 metres west of the site as there is no capacity within the existing public surface water sewerage system. This section of ordinary watercourse/drainage ditch is located at the top end of the catchment so flows in dry weather conditions or when in periods when rain has been absent, can be very low or almost non-existent. Consultation responses state and this is acknowledged in the Developers Flood Risk Assessment and Drainage Strategy that this watercourse/drainage ditch was subject to flooding in late 2012. In 2012 as a whole North Yorkshire received record quantities of rainfall, this was condensed into the latter 8/9 months of the year, the subsoil became saturated and standing and run-off surface water were features of the autumn and early winter of 2012 flooding, so the reported flooding would not be unusual, though is not to be underestimated.
- 5.17 The site investigation reveals that the water table depth is of variable depth, though deeper towards the pond located to the north of the development site. The investigations were undertaken in November 2012 when the ground was at its most saturated. The developer will need to ensure that it does not interrupt natural ground water flows during and post the construction of the development and that any changes in site levels do not direct surface water run-off to existing neighbouring properties.
- 5.18 Yorkshire Water does not usually accept the discharge of newly built public surface water sewers to ordinary watercourses. They usually wish to see surface water sewer discharge to a watercourse/drainage ditch over which a statutory authority has powers, i.e. Drainage Board or Environment Agency. Maintenance of the ditch currently rests with the riparian owner i.e. owners of land adjacent the ditch.
- 5.19 The Swale and Ure Drainage Board have commented on this application and advise that the proposed rate of surface water discharge (practical minimum of 5li/sec) to a watercourse which with flow to their designated area is acceptable.
- 5.20 The proposed receiving watercourse is however relatively small, so is less able to manage larger flows that can occur during flash flooding or during periods of prolonged rainfall like that suffered in 2012. There should be discussions between developer/Yorkshire Water and Swale and Ure Drainage Board to ensure that the proposed surface water discharge point is appropriate and that there are means in place to ensure the sustainable maintenance of the receiving watercourse. It would be preferable to discharge the surface water to a point within the Drainage Board's area, again there is an opportunity with a pumped discharge for more flexibility in the ultimate discharge point.

Yorkshire Water

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

- 5.22 The development of the site should take place with separate systems for foul and surface water drainage.
- 5.23 Foul water domestic waste should discharge to the 150mm diameter public foul water sewer recorded crossing the site.
- 5.24 The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site.
- 5.25 Sustainable Urban Drainage Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be an alternative solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged.
- 5.26 The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. It is understood that a watercourse is located to the west of the site.
- 5.27 We note the Flood Risk Assessment & Surface Water Management Strategy for this site (prepared by iD Civils Design - Report 3717 / FRA1 Rev.D dated 18/07/2013) confirms; Sub-soil conditions do not support the use of soakaways, and a watercourse exists to the West of the site - connection subject to pumped outlet and EA /LLDA requirements (1.4 l/s/ha, 5 l/s). (Foul water to public foul water sewer (via pumped outlet).
- 5.28 The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. Land drainage will not be allowed into a public sewer. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and there is no highway drain available and if capacity is available within the public sewer network. In this event, a formal agreement for highway drainage discharge to public sewer, under Section 115 of the Water Industry Act 1991, will be required.

Environment Agency

- 5.29 Comments made in relation to application ref: 12/02474/FUL - The Agency agrees with the Swale and Ure Internal Drainage Board's comments. As it appears that surface water is being discharged into a watercourse that drains into the IDB system, a surface water drainage scheme should be agreed with the IDB before development commences.

Swale & Ure Internal Drainage Board

- 5.30 No objections. The Board has been consulted on the drainage design since it will ultimately discharge to the adopted watercourse known as Carr Stell. It has been agreed that the discharge rate will be controlled at 5l/s maximum

Police Architectural Liaison Officer

- 5.31 Comments made in relation to application ref: 12/02474/FUL - Comment is made that although there was a Design Review for this application, the Police were not present and yet security criteria was established that there would not be any fencing on the north side of this estate to provide amenity value.

- 5.32 The ALO argues that having the northern side of this site open to this lake is poor for security as any residents from the adjacent site would simply walk through this estate to gain access to the Lake.
- 5.33 The ALO believes that this would give legitimacy for criminals being on the estate and also an escape route from the estate into the unlit lake area. It would also bring anti-social behaviour with noise into this estate with youths coming and going from the lake in the summer months, sometimes late into the evening.
- 5.34 There is 40% affordable housing on this estate; young families with toddlers and children. By opening the northern side of this estate to the lake provides a danger to children and toddlers wandering off and drowning in the lake, which is very close by. The risk can be reduced by placing a fence along the northern edge. Children can drown in just a few inches of water.
- 5.35 The Caravan Park operator does not want any access at all from this proposed development onto the lakes or the Caravan Park. Sandhutton Lane is not used by the public to access the lakes and has gates on it which are locked at night.
- 5.36 **Recommendation 1** - that the northern side of this site is fenced off with fencing 1.8m high. There are various types of fencing which will give amenity value as well as security.
- 5.37 **Recommendation 2** - that all the houses on this proposed development attain Secured By Design certification and not just meet the principles of Secured By Design which has been shown in the past to be interpreted greatly from that of the ALO and creates confusion. There should not be a two tier system of housing whereby the 40% affordable homes attain SBD leaving the rest without that enhanced security.
- 5.38 **Recommendation 3** - that 1.8m high fencing be installed to the whole site perimeter, whether that be rear garden fencing for the new houses or infill fencing. This fencing can be supplemented by planting to 'soften' it, but at least the site would be secure on being handed over. Supplementary planting would not be robust enough to create a barrier on site handover, and that any planting would take several years to mature to create a significant boundary.
- 5.39 **Recommendation 4** - adequate security should be in place during the construction phase. This should include robust perimeter fencing of the site and a monitored alarm system for the site cabins, including those cabins housing materials. Security of plant equipment and security of any fuel storage should be demonstrated. There should be a dedicated secure area in which contractors can park their vehicles, in which there may be a significant value of tools stored in them when the contractor is working on site.
- 5.40 Additional comments made in relation to application ref: 13/01770/FUL – Note that the Applicant does not intend to fence off the lake from the development despite previous objections. Not only is there a crime risk here but it allows small children to wander to this lake with the possibility of drowning. By including this fence it would also prevent any visitors from the adjoining estates walking through this new estate to reach the lake as the existing Sandhutton Lane, adjacent to this estate, is muddy and full of puddles thereby creating a through route on this new estate which is an opportunity for crime and should be avoided.
- 5.41 Further recommendations as follows:-
- 5.42 **Recommendation 1** - there should be a 1.8m high fence between houses 4 and 5. This is a calculated risk which at this stage which can be eliminated.

- 5.43 **Recommendation 2** - that the gable ends of the houses adjacent to this remote car park should have windows in them to overlook this car park.
- 5.44 **Recommendation 3** - that the fencing on the south and west sides of this car park be 2m high fencing such as close boarded fencing, and that this car park is lit.
- 5.45 **Recommendation 4** - the development should attain Secured By Design Certification, and not just conform to the principles of Secured By Design, (SBD), which has shown in the past to be vastly different.

Network Rail

- 5.46 No observations.

Regional Design Review Panel

- 5.47 Comments made in relation to application ref: 12/02474/FUL - The following paragraphs provide a summary of the Panel's views on the application as submitted in the context of having previously commented on a different layout at pre-application stage:
- 5.48 The Panel feels straightaway that the layout is much improved and more efficient. The Panel applauds the project team for listening to their previous comments and coming up with a refined scheme. Whilst dwelling numbers have increased, the high provision of affordable homes is commended; although this could be seen as putting pressure on the site to accommodate both types of dwellings and adequate parking solutions.
- 5.49 There are also a few elements that appear a little unresolved, and the Panel suggests there are details that would benefit from being looked at further to add refinement. In particular:
- exploring how the lake and area to the north will be integrated into the site beyond the site boundary;
 - looking again at the parking courts;
 - enhancing the site entrance vista, which now terminates in a parking court;
 - rebalancing the distribution of planting across the site;
 - ex-examining footpath and parking arrangements;
 - showing the location of various boundary treatments.
- 5.50 The sustainability aspirations of the development come across as rather disappointing; surpassing building regulation requirements by a small amount to just exceed policy requirements. The Panel really encourages the design team to push this further.
- 5.51 The Panel has not been reconsulted on the most recent site layout received on 5th March 2013, as a relatively straightforward comparison between the Panel's previous recommendations and the latest site layout can be undertaken by the Case Officer.

NYCC - Development Management Archaeologist

- 5.52 The proposed development has no known archaeological constraint.

HDC – Environmental Health Officer

- 5.53 No objections. The site is surrounded by existing residential housing and arable fields, the principle noise source is Carlton Road but this should not have an impact on the suitability of the development as proposed.

Publicity

- 5.54 The application was advertised within local press, by site notice and directly to the neighbouring residents. The original consultation period expired on 2nd September 2013. 26 objections and 5 representations of support were received in relation to the original application ref: 12/02474/FUL, whilst 24 objections and 3 representations of support have been received in relation to the current application ref: 13/01770/FUL which are summarised as follows:

Location & Principle of Development

- 1) Feel that enough new houses for the area are already being built at Sowerby.
- 2) 42% affordable housing is too much.
- 3) There is no need for this type of affordable housing within Carlton Miniott, especially following the Station road development and the substantial housing numbers.
- 4) Who will buy these properties and where will they work?
- 5) Estates Agents are finding it difficult to sell houses, housing market being very slow for the past five years. Would be far more appropriate to direct funding to help businesses in Thirsk and relieve them from rates as many shops are closing down due to ever higher overheads. The town has been hit very badly for the past few years, without mentioning parking charges.
- 6) The LDF allocated this land for residential development on two key conditions – (1) Any development was to be in 2 phases; and (2) 33 dwellings in total (24 in 025/02 and 12 in 025/03 less 3). The application submitted by the developer is for 40 dwellings in a single phase; 20% more than the LDF allows. The same number as the previous application which was refused in March 2013.
- 7) Residents understood from the local press that the previous application was turned in March 2013 partly because the Sowerby Gateway Development will provide over 900 new homes; meeting the future requirement for housing in the Thirsk area. Nothing has changed since the previous application was lodged and therefore cannot understand on what grounds the developer has decided to re-submit.
- 8) The granting of permission to construct dwellings as proposed would open up access to the allotment garden. It would only be a matter of time, before this area too would be sought after for property development.

Design

- 9) 40 dwellings represents over development of the site.
- 10) The estate like nature of this development is not in keeping with the locality and will impact on the rural character of Carlton Miniott.
- 11) The proposal to build 40 properties on a relatively small piece of land will not be in keeping with the already established estate where properties are all set on much larger plots.

Trees

- 12) The line of trees running west to east is of the utmost importance and should be retained. They absorb water, which is vital as this land has a very high water table. Their value as habitat for wildlife and they have huge amenity value to the residents as they will provide some measure of cover from the development.
- 13) Tree protection conditions should be appropriately monitored and enforced.
- 14) Work to existing trees and hedges should not be carried out during the nesting season i.e. March to September.
- 15) Concerned that a row of trees between Manfield Terrace and the development of 24 houses. This provides a screen and therefore the trees should be protected from removal.

Residential Amenity

- 16) The very significant increase in traffic will produce noise nuisance and a degree of environmental pollution for existing residents.
- 17) The proposal will result in a less safe environment on Ripon Way for young children to play.
- 18) The noise and mess from the work vehicles will be very distressing and dangerous.
- 19) Several of the new dwellings will look directly in to the bedrooms, kitchen, bathrooms and rear garden of Glencoe, Carlton Road resulting in a loss of privacy.
- 20) The pumping station will be positioned within 30 metres of the gardens of Manfield Terrace. This raises concerns regarding the control of odours and may compromise the amenity value of the adjacent gardens.
- 21) Our property (Stonehaven) looks right into proposed site which will totally spoil our view , the gardens back onto our garage giving then a straight view through the windows unless there is a high fence, but this would block out our light.

Drainage

- 22) Increased flood risk to surrounding properties due to the high water table and therefore the inability of the site to drain properly, which is acknowledged by the need for a pumping station.
- 23) The proposed development, including roads and other hardstandings, and the removal of mature trees on the site, together with increased rainfall will make the existing problems worse.
- 24) During heavy rain the main drain on Carlton Road floods, with water gushing up through the inspection cover. Yorkshire Water has confirmed that there is no additional capacity within the surface water network to accept flow from the development', and that 'the local treatment works may have limited capacity'.
- 25) The pumping station would have to be big enough to provide storage to control a 1 in 100 year event. The size of the pumping station and the noise would impact on the amenity value of the gardens of the properties in Manfield Terrace.
- 26) All indications are that adverse weather conditions are going to increase. While we cannot do anything about rainfall levels we can reduce the amount of building on saturated sites.
- 27) Residents are very concerned about the sewerage pipes of our old sewerage system, there are too old and over worked already. The new development would mean more use of these.
- 28) The sewerage system serving Manfield Terrace and adjacent properties is a combined sewer and is regularly overwhelmed during heavy rainfall causing manholes to discharge on Carlton Road. Further properties connecting into this system will only exacerbate this situation.
- 29) Existing sewerage problems have been exacerbated by the recent additional input from Carlton Miniott Caravan Park.
- 30) Unconvinced by the Flood Risk Assessment and Surface Water Management Strategy. During the site investigation, many of the pits collapsed and that where readings were taken the water table was frequently only 0.4m below the surface. At Manfield Terrace, the water table was only 0.45m below the surface when it was checked several years ago, before the impact of more frequent rainfall in recent years.
- 31) Surface drainage is proposed into a ditch which has already flooded recently in late 2012.
- 32) The field that it is proposed to use for the development is poorly drained and prone to standing water.

Highway

- 33) The junction from the cul de sac onto the main run of Ripon Way has very restricted viability to the left. Cars parked on Ripon Way further restrict this view. If there is no improvement to this junction, it will potentially cause accidents with the proposed extra traffic.
- 34) Highways state that no construction traffic will be allowed to park on the approach

- roads to the site. Who will police this?
- 35) Ripon Way already suffers from displacement parking from Thirsk Railway Station with cars parked on the road side.
 - 36) Car parking provision is inadequate.
 - 37) The increased traffic will cause problems at the mini-roundabout at the end of Ripon Way, where there have already been numerous incidents.
 - 38) The site access should be off the main A61 to the west of the proposed development.
 - 39) The access onto the A61 would also need widening, so destroying what is at present a safe and expansive junction marshaled by a mini roundabout.
 - 40) An alternative access route, created running southwards from the development and joining the A61 further west would be far less intrusive and, being a new access way, could be designed and landscaped so as to minimise the impact upon the neighbourly relationships of the residents of the new development.
 - 41) The scheme will result in a substantial increase of traffic on an existing residential street likely to be of the magnitude of 30% past all houses up to the A61.
 - 42) A clear alternative access route is available beyond "Stone Haven" in the form of a spur route from the A61. To provide such an independent spur access would be far more in keeping with the general existing layout of Carlton Miniott.
 - 43) If an independent access were provided this would suggest a second mini roundabout at the location of the 30 limit entry and that this would have a very significant improvement on reducing speeding past the Carlton Terrace houses on the A61.
 - 44) The current road there is unable to stand the increased traffic - it is already cracking and potholing under the current residents use.
 - 45) The road is not wide enough - particularly for all the heavy plant and lorries required for the building process.
 - 46) There are already enough complaints by residents about cars at the Primary School. Parents block driveways and park incorrectly. There is hardly any parking and no dropping off area at the School and if more families live here then the school would need to be bigger. This will in turn cause more complaints and traffic problems.
 - 47) An additional 80+ cars will cause delays at the mini roundabout, which will back up and block Ripon Way.
 - 48) The traffic predictions that form part of the application are, in our view, very wide of the mark. With the proposed 40 dwellings and an assumed average of only 1.5 vehicles per household, there would be 60 additional vehicles using the road and all of that traffic will pass by 25 Ripon Way.
 - 49) When the lane leading to the farm was opened up a few years ago, an assurance was given that the volume of traffic would be minimal. Only a few properties are served by the lane, but the number of vehicle movements is significant – far more than anyone would have ever imagined.
 - 50) The cul-de-sac arm of Ripon Way is less wide than the north-south section, acknowledging the fact that it was never intended as access to 40 or more additional properties; had it been so, it would have been constructed to a specification similar to that of the north-south section.
 - 51) The mini-roundabout on Carlton Road is not fit-for-purpose.
 - 52) An alternative access should be used during the construction; the thought of heavy lorries and contractors' vehicles using the proposed access is extremely worrying for us. Aside from the likely queues of vehicles delivering materials or waiting to take away site waste, it is anticipated that Ripon Way will become the area where contractors will park their vehicles. Mud control at the site entrance, should it be on Carlton Road or Ripon Way, is also paramount.
 - 53) The mini roundabout at the end of Ripon Way should be redesigned as at the moment very few vehicles negotiate the roundabout correctly or reduce speed. Vehicles bouncing over the roundabout have already caused damage to nearby properties due to vibration. Speed obstructions similar to those on the other 3 roundabouts on Station Road by the racecourse & Tesco's could be constructed.
 - 54) Suggest a complete redesign of the Ripon Way/Carlton Road entrance be built with the cost being born by the developers.
 - 55) Would like to see a commitment on mud control during construction and a

- construction management and delivery plan generally.
- 56) No significant changes have been made to the application with respect to parking of residents' cars. Communal parking areas, particularly those that are obscured from view, are often shunned by their intended users.

Other Objections

- 57) Can the school, health facilities cope with the extra population?
- 58) The proposed development will devalue the current properties in Ripon Way.
- 59) The existence of the proposed development has blighted property sale on Ripon Way.
- 60) The new application does not overcome previous concerns or address the reasons for refusal.
- 61) Very little has changed since the original application.
- 62) Perhaps the only change relevant is that speculation about the allotment land being developed has been confirmed. That, of course, is a negative, exacerbating further our concerns about traffic volumes. Note that the density on the allotment land as shown in the plan is much lower than elsewhere. The allotment site could accommodate more than 4 dwellings.
- 63) There is a vast array of species that occupy this half acre, either in the numerous trees, or in the boggy ground conditions.
- 64) The density of the development is such that children will need to look for nearby 'dangerous' waste land for play space.
- 65) The development which has a proportion of affordable housing units and therefore some numbers of young children is close to a large and deep lake being a considerable safety hazard to children.

Supporting Comments

- 66) It will keep pupil and staff numbers up at the school.
- 67) There have been a number of objections that the local school will not be large enough to take all the children. Other voices say that the school has too many children from outside the catchment and need more local children.
- 68) Ripon Way Spur is not and never has been a cul-de-sac. It was constructed as an entrance road from the A61, behind De Grey Terrace to the boundary of Carlton Miniott Park where the main development of Ripon Way was to be built. The development was for a housing estate almost identical to the one now being put forward 13/01770/FUL and occupying the same area of ground. All services were laid at the end of the spur and are still available support the proposed development.
- 69) NYCC Highways has no objection to the spur and entry on to the A61 being used to service the new development. They confirm that the spur is up to the standard required to serve the new development and also that the visibility on corners and intersections is up to the standard required.
- 70) The fact that the spur was built to a standard needed to support the building of the proposed site means that no construction is required on the existing roadway. Therefore it should be possible to keep the spur clear of building material and parked plant.
- 71) It is evident that the dozens of objections put forward that the access road is too narrow and would need to be strengthened are all without foundation and can be disregarded.
- 72) Objections have been received stating that the ground water level is only half a metre from the surface. However, the actual ground water level in the area must be the surface level of the lakes in Carlton Miniott Park, which is 2-5 metres below the proposed site area. If the ground water was at that level most of Carlton Miniott Park and large areas to the north would be flooded.
- 73) Surface water will be drained to the west and this surface retention, near to Manfield Terrace, would be very much reduced if not eradicated.
- 74) The Swale and Ure Drainage Board have no objection to the planned surface water being pumped to the west to a ditch which becomes the River Swale in approx. 1000

- metres.
- 75) Yorkshire Water has no objection to sewage from the proposed estate being pumped into the existing system.
 - 76) Yorkshire Water and The Swale and Ure Drainage Board will ensure that the builders have made a sound system before taking over responsibility.
 - 77) The proposed development plans have been reviewed by the Regional Design Board and they have recommended the layout and house types as being in accordance with the policies of Hambleton Local Development Framework.
 - 78) The new development borders against the Nature Reserve of Carlton Miniott Park and is a truly rural setting. Many trees and hedges screen the site and the layout of the houses will make this little estate very attractive to those who wish to be in the countryside.
 - 79) Regarding the safety of the lakes in Carlton Miniott Park. These lakes were allowed to flood when the brick works pumps were stopped in 1910. As far as can be ascertained there had been no accidents in the water previous to 1968 when Jenkins and Lancefield took over the property and certainly none since that date.
 - 80) It is strange that many objections have been made that the lakes are a major danger to children and yet there is a ten metre opening at the northern end of Ripon Way allowing free access.
 - 81) Many dog walkers and others have beaten a footpath to join the ancient track from Thirsk Church to Sandhutton Church which passes through the park within a few metres of the water.
 - 82) The park has many danger notices, private signs and security cameras. In the summer there are also many children amongst the caravanners who use sailing and man propelled craft on the lakes.
 - 83) The Caravan Park has no record of any intentional trespass.
 - 84) There have been many objections that the traffic noise along the spur would be too loud but it will be no different from noise generated by any other housing development.
 - 85) In the last five years there has been a significant District wide under delivery of houses completing only 185 dwellings against a target of 280. This is only 66% of the total required. This small site would help considerably towards the target required.

6.0 OBSERVATIONS

- 6.1 As identified within paragraph 1.1 of this report, the original planning application ref: 12/02474/FUL was refused for eight reasons. This revised application seeks to address the Planning Committee's concerns via the submission of further information. Each reason for refusal is examined in turn below:-

Reason 1: The application proposes premature delivery of new housing on allocation site TH5 prior to Phase 2 (2016-2021) of the adopted Hambleton Allocations Development Plan Document and is therefore contrary to the provisions of Policy TH5.

- 6.2 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 was adopted in 2010 and identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 6.3 This site forms allocation TH5 of the Allocations DPD. The allocation splits the development into two phases, which span phases 2 (2016-2021) and 3 (2021-2026). The site was phased in this way due to the calculation of housing numbers at that time, with the aim of achieving a regular supply of new housing across the plan period. This was a District-wide consideration and no site-specific reason was given for the proposed phasing.

- 6.4 The Council sets out its policies for housing supply in its Development Plan Documents. These documents were adopted before the publication of the National Planning Policy Framework (NPPF). The NPPF places emphasis on maintaining a 5 year supply of deliverable housing (paragraph 49). Paragraph 47 considers that a 20% buffer be applied if there is a record of persistent under delivery. There is no clear and concise definition regarding what constitutes persistent under delivery.
- 6.5 Whilst District wide targets have been met in 4 out of 9 years, it is recognised that delivery has been below target in the last few years, and it would therefore be prudent to plan for a five year supply on the basis of adding the 20% buffer. Beyond this 20% buffer it has become practice in some appeal decisions to add the backlog in undersupply to the five year supply either in the next five years (known as the 'Sedgefield Method') or over the remaining plan period (known as the 'Liverpool Method').
- 6.6 The Government's objective to boost housing supply nationally should be taken into account, along with the outcome of recent appeal decisions involving determination of the methods to use to calculate housing supply. Therefore it would be prudent to take a cautious approach to calculating Five Year Supply for the District, with a buffer of 20% and undersupply added to the five year supply. A robust survey has been carried out for all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 6.7 The Core Strategy in CP5 sets a delivery target of 290 dwellings per annum gross for the period 2011 to 2016, giving a five year supply of 1450 dwellings. Adding 20% to the five year supply leads to a revised target of 1740 delivery (an additional 290 dwellings).
- 6.8 The undersupply backlog for the District dating back to 2004¹ is 358. If this were added to the above the total requirement would be 2098 dwellings (420 p/a over five years). The Council is currently considering how to respond to this, including whether it is necessary to relax the phasing of development sites set out in the Allocations DPD. If this occurs, and taking account of the findings of our 2013 developers' survey, the District has a supply of 2,267. This exceeds the target requirement, even when applying the Sedgefield Method and adopting the most cautious approach to its calculation. This will assist the Council in resisting the development of unallocated sites.
- 6.9 Therefore, subject to approval of relaxing phasing at Cabinet 5th November 2013, this application would contribute towards meeting the 5 year housing requirement, plus 20% in line with the NPPF and allowing for under-delivery in previous years in line with appeal decision elsewhere, for the District. It is recognised that relaxing phasing will mean that local residents will experience greater disruption from development over a shorter period. However, this is considered preferable to the release of unallocated sites which would result in other residents suffering disruption that was never planned for.

Reason 2: The proposed development exceeds the housing numbers identified within Policy TH5 of the adopted Hambleton Allocations Development Plan Document, resulting in an overdeveloped and unattractive layout contrary to policies TH5, CP17 and DP32 of the adopted Hambleton Local Development Framework which require high quality design.

(a) Housing numbers

¹ 2004 is the start date established by the Regional Spatial Strategy and subsequently the adopted Allocations Development Plan Document.

- 6.10 Policy TH5 of the adopted Allocations DPD allocates the site for development at approximately 30 dwellings per hectare, resulting in a capacity of around 36 dwellings in total. The site allocation is expressed on the basis of site density with the expected numbers of dwellings being a product of that. The current proposal is for 40 dwellings on part of the allocation site. In terms of dwelling numbers, the development would exceed the expectations of the Allocations DPD. However, the application site boundary differs slightly from that shown within the Allocations DPD. The allotment land to the east has been excluded and the northern boundary follows the curvature of the adjacent lane rather than the straight line boundary shown within the Allocations DPD. The site has been accurately surveyed at 1.46ha and the proposed development is at a density of 27.4dph, which does not exceed the 30dph expectation identified within the Allocations DPD.
- 6.11 An illustrative scheme has been submitted to show how the remaining of part of the allocation site (existing allotments) could be developed. This land is included within the allocation site boundary but is not included within the application site boundary. The indicative layout shows four dwellings with access arrangements and is considered to represent a reasonable form and amount of development.
- 6.12 Taking the overall layout into account, the total yield would exceed the indicative Allocation DPD yield by 8 dwellings (20%). Whilst this figure represents an increase in dwelling numbers, the figures contained within the Allocations DPD are connected to the site area and density of development and are intended to provide a guide for development rather than stipulate a maximum restriction. Therefore, planning permission should not be refused on the basis of dwellings numbers per se unless the amount of development proposed would result in a poorly designed scheme, contrary to the LDF and the NPPF, or would have an adverse impact on local infrastructure or amenity.
- 6.13 Given these considerations, it is apparent that the increase in dwelling numbers over that envisaged in the allocation is a result of the more accurate measurement of site area, therefore the proposed 40 dwelling scheme is not of a different character from that envisaged at the time of allocation.

(b) Design

- 6.14 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.
- 6.15 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.”
- 6.16 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.”
- 6.17 At pre-application stage, the Applicant chose to refer the initial design concept to the Regional Design Review Panel for comment and is commended by both the Panel and Officers for this approach. The Panel issued its initial recommendations in a report dated 5th December 2012. In summary, the report advised the Applicant to take a flexible approach to highways design by using shared surfaces and to deliver

a “scheme beyond the standard” with greater sustainability and place making ambitions. The Applicant responded by incorporating many of the Panel’s suggestions within their amended layout.

- 6.18 The Panel reviewed the previous application ref: 12/02474/FUL and applauded the Applicant for listening to their previous comments and coming up with a refined scheme. The Panel suggested some final refinements to the scheme and, in response, the Applicant rationalised the car parking distribution across the site and identified attractive and appropriately positioned boundary treatment.
- 6.19 The proposed layout now incorporates a defined gateway, enhanced incidental amenity space and shared surfaces and substantially retains the west to east tree belt. Furthermore, the proposed house types provide an attractive and complimentary mix of dwellings whilst surface materials for private driveways and territory routes have been improved in terms of quality.
- 6.20 The amended layout would result in an appropriately scaled and attractive development in this edge of settlement location 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

Reason 3: The proposed house types fail to reflect the local character and distinctiveness contrary to policies TH5, CP17 and DP32 of the adopted Hambleton Local Development Framework which require high quality design.

- 6.21 As previously identified, the LDF and NPPF aim to ensure that all new developments achieve high quality design. Members were critical that the proposed house types failed to reflect the local character and distinctiveness of Carlton Miniott. Whilst the proposed house types remain unchanged, the Applicant has updated the Design & Access Statement to provide further justification for the approach taken.
- 6.22 Section 2.07 of the Design & Access Statement (DAS) contains a ‘Character Analysis’ of Carlton Miniott, and describes the built context as:

“...primarily of residential development, comprising of a wide range of proportions and elevational treatments which reflect both the date and construction and, in some case, subsequent remodelling, which often follows the design trends at the time...”
- 6.23 Section 2.07 of the DAS also notes that the proposed development site takes access from Ripon Way, which in itself is a late 1970s housing development.
- 6.24 Section 5.07 of the DAS provides a commentary on the design of the proposed house types. It identifies that the proposed house types closely relate to the approved developments at Norby, Thirsk and Sowerby Gateway, Thirsk. Elevation drawings of approved and proposed house types are shown within the DAS, which concludes that:

“All three developments present dwellings, the design of which, draw upon the traditional residential design in the locality. The proposals are appropriate for the settings in terms of scale, detail and proposed materials.”
- 6.25 Taking into consideration the architectural context of the area, the proposed house types are considered to be acceptable in terms of scale, detail and proposed materials and fully reflect local character and distinctiveness in accordance with the design objectives of the LDF and NPPF.

Reason 4: The proposed development fails to deliver a sufficient level and mix of affordable housing, contrary to policies TH5 of the adopted Hambleton Allocations Development Plan Document and policy CP9 of the adopted Core

Strategy which both stipulate a target of 40% affordable housing for the application site.

- 6.26 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.
- 6.27 Criterion i) of Policy TH5 of the adopted Allocations Development Plan Document stipulates that the development should be "...at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 36 dwellings (of which a target of 40% should be affordable." Policy TH5 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.
- 6.28 The Applicant is unable to deliver a scheme of 40% affordable housing and a full quota of developer contributions due to high abnormal costs on site. These costs are primarily due to ground conditions (granular strata (sand) with a very high water table up to 700mm BGL), topography (need to pump foul & surface water) and service upgrades (electricity & gas connection).
- 6.29 The Council's Consultant Surveyor has undertaken a review of the Applicant's Economic Viability Appraisal (EVA) and concurs that the issues identified by the Applicant mean that the scheme cannot deliver 40% affordable housing and the normal range of developer contributions. Their advice concludes that the scheme could deliver 8 units of affordable housing (20%) and make a total contribution of £148,100 (approximately 53% of the normal amount) towards the provision of essential infrastructure within Carlton Miniott.
- 6.30 Therefore, subject to the completion of a planning obligation covering these matters and a final agreement with the Council's Housing Services Manager with regards to affordable housing mix, this reason for refusal is considered to have been addressed.

Reason 5: Insufficient information has been provided to demonstrate that the proposed development will not increase the risk of flooding elsewhere, having an adverse effect on watercourses and put people and property in danger, contrary to flood risk policy contained within the National Planning Policy Framework and policies CP21 and DP43 of the adopted Hambleton Local Development Framework.

- 6.31 The previous planning application ref: 12/012474/FUL was supported by a detailed Flood Risk Assessment (FRA) and Drainage Strategy prepared by ID Civils. No objections had been raised by the Environment Agency, Yorkshire Water or the Swale & Ure Internal Drainage Board.
- 6.32 Notwithstanding this, the Applicant's 'Planning Statement' confirms that the FRA & Drainage Strategy has been updated to fully address the issues raised in the reason for refusal. The updated document confirms that there is no significant risk of overland flooding due to the topography of the area. However, it is now proposed to elevate the finished floor levels of the proposed dwellings to a minimum of 600mm above the level of the reported land drainage problems in the adjacent to field. This is one of the factors that have increased build costs on the site and which affects viability.
- 6.33 Surface water from the development proposals will be attenuated to a minimum of 5l/s on-site through oversized pipework which meets the requirements of the Swale and Ure Drainage Board and Yorkshire Water, who therefore raise no objection to the application.

Reason 6: Insufficient information has been provided to demonstrate how the risks posed by the open lakes located directly to the north of the application site can be mitigated and managed. Without a management strategy in place, vulnerable occupants of the proposed dwellings will be at risk of harm, contrary to policies CP1 and DP32 of the adopted Hambleton Local Development Framework which seek to ensure that all new developments are safe and secure.

- 6.34 The previous application ref: 12/02747/FUL made provision for estate style railings (horizontal bars) along the northern boundary. Members were concerned that this arrangement would fail to protect residents (particularly small children) from straying onto neighbouring land and inadvertently encountering potential risks posed by several fishing lakes.
- 6.35 In recognition of the issues raised by Members, the Applicant proposes to enhance the treatment along this boundary via the provision of a continuous hedgerow. The fencing remains unchanged but the hedgerow will provide an additional physical barrier and therefore additional security.
- 6.36 A Computer Generated Image (CGI) has also been prepared to provide details of the boundary treatment in context. The CGI shows a secure and attractive boundary treatment that maintains views in and out of the development, which was a key recommendation of the Design Review Panel.
- 6.37 The revised boundary treatment is considered to provide an appropriate solution to Members' concerns.

Reason 7: The proposed development fails to deliver any off-site public open space, sport and recreation facilities contrary to Policy DP37 of the Hambleton 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.

- 6.38 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.
- 6.39 The proposed layout shows an informal pedestrian route with stepping logs and other natural play equipment within the existing planting belt. A scheme for the installation of natural play equipment and landscaping can be secured via condition.
- 6.40 The Council's Leisure Services Officer has raised no objection to the limited provision of public open space on site due to the very close proximity of the Carlton Miniott Playing Field.
- 6.41 Policy DP37 of the adopted Development Policies DPD also requires a financial contribution towards providing and/or improving off-site public open space, sport and recreation facilities (POS) elsewhere within the Thirsk Hinterland. The Council's sports and recreation priorities are contained in the POS, Sport and Recreation Area Action Plan approved by Cabinet. A contribution of £142,562 is required in accordance with Policy DP37. However, the sum is likely to be reduced on the basis of viability with education and POS sharing a total pot of £148,100.
- 6.42 The Leisure Services Officer has identified the construction of a pavilion to service an existing football pitch as the main priority for POS in Carlton Miniott. A revised POS, Sport and Recreation Action Plan will be submitted to Cabinet in the near future

which reflects current priorities. The Council is also working closely with Carlton Miniott Playing Field Association on an Action Plan to improve the whole site. A village survey was undertaken in May and this information is being used to update the Action Plan.

- 6.43 The Leisure Services Officer has advised that a contribution of around £70K would enable the pavilion project to be delivered.

Reason 8: The proposed development fails to contribute towards additional school places, child services and facilities contrary to Policy DP2 of the adopted Hambleton 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.

- 6.44 In addition to delivering affordable housing and public open space, Policy TH5 of the Allocations DPD identifies contributions from the developer towards infrastructure improvements, including additional school places (if required) and increased or improved access to local healthcare facilities.
- 6.45 As detailed within paragraph 5.7 of this report, NYCC Children & Young People's Service has confirmed that 10 pupils would be generated by the development which local primary schools cannot currently accommodate. The Applicant has agreed to make a contribution in accordance with Policy TH5. Again, the education sum is likely to be reduced on the basis of viability.
- 6.46 Officers are currently awaiting advice from NYCC Children & Young People's Service with regards to the current position at Carlton Miniott Community Primary School so that the District Council can understand how critical developer contributions are towards maintaining current standards at the school.

Reasons for Refusal - Conclusion

- 6.47 In light of the above considerations, this revised application is considered to have overcome the concerns of the Members and is therefore recommended for approval. Nonetheless, for completeness, other relevant material considerations are discussed below with reference to policies and guidance.

Residential Amenity

- 6.48 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.
- 6.49 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, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case-by-case basis. Similar guidance relating to separation distances is contained within *By Design* (Design Guidance produced by CABE). Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but judgement should be used on a case-by-case basis.

- 6.50 The nearest neighbouring dwelling is 'Glen Coe' which stands immediately to the south on Carlton Road. The rear elevations of Plots 35 and 36 would be positioned approximately 23m away from the rear elevation of 'Glen Coe' which exceeds the 14m distance usually expected. To the east, the front elevation of Plot 1 would be positioned over 20m from the end of Manfield Terrace (no 14) whilst the nearest property on Ripon Way (no.25) would stand over 25m away from Plot 1.
- 6.51 14 Manfield Terrace is likely to be the most affected neighbouring dwelling by virtue of the proposed access arrangements which would run alongside its side elevation and side garden space. The occupiers of 14 Manfield Terrace would experience a change in environment as a consequence of vehicle movements along the side boundary, particularly during peak hours. Nevertheless, the loss of amenity experience has been mitigated by the retention of the west to east tree belt and can be further mitigated by additional planting and secure boundary treatment. These details can be secured via planning condition.
- 6.52 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties. The revised layout is considered to comply with Policy DP1.

Sustainable Construction

- 6.53 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.
- 6.54 In response to the requirements of DP34, the submitted 'Sustainability Report' produced by FES (Environmental Consultants) confirms that the 10% energy saving can be delivered via improvements to the fabric of the buildings above Building Regulations. This approach is supported.
- 6.55 Consequently, it is recommended that a suitably worded condition be applied in order to secure a scheme for suitable design improvements to the approved house types.

Highway Safety & Car Parking

- 6.56 Concerns have been raised by local residents about the proposed development's impact on highway safety and in particular the use of Ripon Way as the main point of access. The Local Highway Authority has considered the application and has raised no objection in relation access arrangements, pedestrian safety or the capacity of the highway network to accommodate additional trips. The Local Highway Authority's consultation response is contained at paragraphs 5.5 to 5.8 of this report. Furthermore, access via Ripon Way is a requirement of the adopted Allocations DPD and, as a result, the likely impacts have previously been assessed and deemed to be acceptable.
- 6.57 The Applicant has been asked to consider the provision of a temporary construction access across land to the west linking onto Carlton Road. The Applicant has rejected this request on the basis that the land to the west is outside of their control and that the provision of a temporary access road would be prohibitive in terms of cost. Condition 17 relates to temporary access via Ripon Way rather than Carlton Road.
- 6.58 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.”*

6.59 The proposed development contains approximately 80 car parking spaces which equates to approximately 2 parking spaces per dwelling. In addition, 17 garage spaces will be provided. 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.

Ecology & Trees

6.60 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’.

6.61 An Ecological Survey & Assessment produced by Delta-Simons (Environmental Consultants) was submitted in support of the application. The Survey concludes that the site contains no ecological constraints on residential development. However, the survey gives five recommendations which are summarised as follows:-

6.62 Recommendation 1 - Any works involving the removal of trees and hedgerows present on the site should be undertaken either before early March or after late July in order to avoid affecting any birds during the main period in which they are nesting. If, however, site clearance works are deemed necessary during the nesting period, a suitably qualified ecologist will be required to check the site habitats to confirm that no nesting birds will be affected by vegetation removal works.

6.63 Recommendation 2 (Bats): The tree lines and hedgerows at the site provide a linear corridor suitable for foraging and commuting bats. Where possible these features are retained or replaced following the development. Although some species of bat are light tolerant, such as pipistrelle bats, it can also deter other species. It is, therefore, recommended that a sensitive lighting plan is developed so that following the development, light spill onto these habitats is kept to a minimum.

6.64 Recommendation 3 (Otters): Whilst the site was considered unsuitable to support otters, the ditches adjacent to the eastern and southern site boundaries may provide suitable habitat and connectivity to other suitable water bodies, and there is the potential for otters, a naturally inquisitive species, to venture on to Site during construction works. A precautionary approach should be taken such that no excavations are left uncovered overnight during the development works in order to avoid any otters becoming trapped.

6.65 Recommendation 4 (Pollution): It is recommended that the Environment Alliance’s Pollution Prevention Guidelines are followed to avoid polluting the large pond during the construction works.

6.66 Recommendation 5 (Biodiversity Gain): The use of native plant species sourced from local nurseries is recommended in landscape proposals to enhance foraging opportunities for local birds and bats, by increasing the invertebrate diversity on-site. Furthermore, recommendations are made for the installation of a range of bird boxes on trees at the site.

6.67 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 which responds to these recommendations.

- 6.68 A Tree Survey produced by TPM Landscape (Chartered Landscape Architects) has been submitted with the application. The Survey categorises all trees on the site and identified four trees for removal in the interests of sound agricultural management. The survey also recommends that:
- Development proposals should adequately compensate for the loss of existing trees.
 - Any replacement tree planting should be predominantly native trees (e.g. Oak, Ash, Sycamore) sited around the perimeter of the site.
 - The Leylandii trees running along Sandhutton Lane should be removed to allow the trees either side to develop better.
 - The large belt of trees running east-west across the site is extremely dense with mature trees. There are smaller trees that are restricted in growth that could be removed to allow greater light and help the other trees grow. Deadwood within the trees should be removed.
 - Mature apple trees in the rough grass land could be incorporated within rear gardens.
- 6.69 The site contains a woodland planting belt running east-west across the central part of the site with mature trees generally planted in staggered rows. The majority of this planting belt would be retained, although a group of trees within the planting belt needs to be removed in order to create access to the southern part of the site. The Tree Preservation Order can be placed on the retained trees.

Other Developer Contributions & Infrastructure

- 6.70 The Primary Care Trust had not identified a need for enhanced healthcare provision to accommodate the development in connection with the previous application and its responsibilities are now transferred to a Clinical Commissioning Group (CCG). The CCG is not yet in a position to respond to planning application consultations. The formulae for calculating the majority of planning benefits are drawn from policy and Council priorities and therefore these take precedence. As indicated above, the available funding towards for higher priorities is limited due to viability issues. Furthermore, the contribution required for the local health care facilities is not prescribed and therefore no sum has been sought.
- 6.71 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 where enhanced infrastructure is needed to support new development.

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 TH5. The amended scheme would deliver an attractive and sustainable development and deliver much needed homes. Whilst the number of dwellings differs from that envisaged in the Allocations DPD, the change arises from a more accurate measurement of site area, not a change in the nature of development. The development would make a contribution of approximately £148,100 towards the provision of essential infrastructure within Carlton Miniott, which has been confirmed as reasonable in view of the unusual construction costs identified by the Applicant.

- 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 an agreement on the level of affordable housing to be delivered.
- 7.3 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

8.0 RECOMMENDATIONS

- 8.1 Subject to the satisfactory prior completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended) to secure an appropriate proportion of affordable housing and appropriate contributions to local infrastructure within 20 days of this resolution, planning permission is **GRANTED** subject to the conditions set out below; or
- 8.2 In the event that a satisfactory planning obligation is not completed within 20 days of this resolution, the Planning Manager be authorised to refuse permission on the grounds that the proposal has failed to deliver the necessary affordable housing and infrastructure contributions.

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.

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: (all prefixed Y81.853) 01, 02 Rev.F; 11; 12; 13; 14 Rev.A; 15; 16; 17 Rev.A; 18 Rev.A; 19; 20; 21; 22; 23 Rev.A; 24 and 25 received by Hambleton District Council on 27th August 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.

3. 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.

4. Boundary Treatments

No dwelling hereby approved shall be occupied until its associated boundary treatment has been constructed / planted in accordance with the details shown on

drawings Y81.853.23 Rev.A and Y81.853.02 Rev.F received by Hambleton District Council on 27th August 2013. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior 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.

5. **Landscaping Scheme**

No part of the development hereby approved shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the buildings, whichever is the sooner, unless the planting scheme drawing 1575 04 Rev.D (produced by TPM Landscape) received by Hambleton District Council on 27th August 2013 unless otherwise agreed in writing by the Local Planning Authority 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.

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.

6. **Crime Prevention**

Prior to the development commencing, details that show how crime prevention measures have been incorporated into the design, layout and built fabric of the development 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 'crime prevention' 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

7. **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 not less than 10% of the buildings' energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented 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.

8. **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.

9. 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.

10. 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.

11. No Piped Discharge of Surface Water 2

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.

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

12. 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

13. 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.

14. Land Contamination

No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures

for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. 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.

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.

15. Detailed Plans of Road and Footway Layout

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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority

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

(8) A programme for completing the works.

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

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

16. Construction of Roads and Footways Prior to Occupation of Dwellings (Residential)

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

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

17. Temporary Construction Site Access

Other than for the purposes of creating the temporary access no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved access as shown on Drawing Reference Y81:853:02. The access shall be constructed in accordance with details approved in writing by the Local Planning Authority for a minimum distance of 20 metres into the site. Any damage to the existing adopted highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately. Before the development is first brought into use the highway verge/footway shall be fully reinstated in accordance with the scheme approved in writing by the Local Planning Authority.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

18. Discharge of Surface Water

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.

Reason: In the interests of highway safety.

19. Visibility Splays

No dwelling shall be occupied until a visibility splay is provided giving clear visibility of 25 metres measured along the channel line of the estate road in a westerly direction from a point measured 2 metres down the centre line of the track adjacent to the eastern boundary of the site. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, this visibility area shall be maintained clear of any obstruction and retained for its intended purpose at all times.

Reason: In the interests of road safety.

20. Works in the Highway

Prior to the occupation of the 1st dwelling, a continuous footway/footpath linking the proposed development with the existing footway on the northern side of the village main street and a pedestrian crossing point shall be constructed in accordance with details and programme of works submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

21. Garage Conversion to Habitable Room

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

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwellings and visitors to them, in the interest of highway safety and the general amenity of the development.

22. Precautions to Prevent Mud on the Highway

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

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

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

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

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Parish: Easingwold
Ward: Easingwold
2

Committee Date: 07 November 2013
Officer dealing: Mr Jonathan Saddington
Target Date: 26 November 2013

13/01703/OUT

**Outline application for a residential development (up to 175 dwellings) with associated infrastructure and access
at Land to the north of Stillington Road, Easingwold, North Yorkshire
for Gladman Developments**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Outline planning permission is sought for the construction of up to 175 dwellings with associated infrastructure. All matters are reserved for approval with the exception of access. An indicative masterplan showing plot positions, landscaping, roads and footpaths has been submitted with the application.
- 1.2 The indicative proposal (as detailed within the Design & Access Statement) suggests that dwelling types would range from single occupancy to family accommodation in order to create a mixed community. Building heights would not exceed 2.5 storeys, reaching a maximum height of 10.5m in height with the majority of buildings being no more than 2 storeys in height, between 7.5m and 8m. Precise details of the site layout and house types would be submitted at the reserved matters stage. However, the Design & Access Statement explains that the scheme would embrace the twelve 'Building for Life' criteria developed by CABI and the Home Builders Federation.
- 1.3 The application site comprises an area of 6.74ha (residential development covering 5.58ha and public open space spanning 1.12ha). A total of 175 dwellings would result in an average net density of 32dph. The Applicant has committed to delivering 50% affordable dwellings on site, which would be distributed throughout the site.
- 1.4 Existing landscaping features would be retained and serve as focal points, although a section of hedge would be removed to create the new access from Stillington Road and details of roads and dwellings within the site are not provided. Definitive landscaping proposals would need to be agreed at reserved matters stage if outline permission is granted. Nonetheless, the Design & Access Statement confirms that a future layout is likely to include a green frontage to Stillington Road, a landscaped buffer on the eastern boundary, an avenue of trees along the main street (entrance road) and a central open space (with equipped play area) within the northern portion of the site.
- 1.5 A single vehicular, cyclist and pedestrian access is proposed off Stillington Road. Pedestrian and cycle access only is proposed at three points off the public right of way to the north. The Applicant has agreed with the Highway Authority to install a new roundabout at the junction of Stillington Road and York Road in addition to other off-site highway works; the Highway Authority advises that the roundabout could be secured under Highways Act powers and referred to in planning condition, whereas other measures would need to be secured by means of a S106 agreement.
- 1.6 The application site consists of agricultural land comprised of four irregular shaped fields surrounded by existing hedgerows and large mature trees. Around 15 neighbouring dwellings back onto site's western boundary with a further three properties bounding the site on Stillington Road. Cottage Farm lies to the north east. A public footpath (and access track to Meadow Farm) follows the northern edge of the site boundary. Another public footpath lies within the site and follows the north

eastern boundary, continuing through Easingwold Town Football Club's ground to the east.

- 1.7 Within the site, the land falls from a high point of approximately 30m AOD in the north down to its low point of 27m AOD. The site generally falls within the same levels as the adjoining built up area of Easingwold.
- 1.8 The application site is located on the eastern edge of Easingwold, outside but adjacent to the Development Limits. The site is not allocated for any purpose within the Hambleton Local Development Framework and not within a Conservation Area but is close to the Howardian Hills Area of Outstanding Natural Beauty.
- 1.9 The application is supported by a comprehensive package of submission documents including: an Indicative Masterplan; a Design & Access Statement; a Planning Support Statement; Transport Statement; Ground Investigation Report; Flood Risk Assessment and Runoff Assessment; Arboricultural Report; Landscape & Visual Impact Appraisal; Ecological Assessment; Air Quality Assessment; Noise Screening Report; Archaeology Report; Utilities Report; Renewable Energy Report; Economic Statement and Statement of Community Involvement.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 13/01294/SCR - Request for screening opinion for development of land off Stillington Road (Environmental Impact Assessment not required - 22.07.2013)

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. Whilst the NPPF should be read as whole, the Council considers Section 6 "*Delivering a wide choice of high quality homes*", Section 7 "*Requiring Good Design*" and Section 8 "*Promoting Healthy Communities*" to be particularly relevant, due to their reference to housing delivery, affordable housing and recreation facilities and paragraphs 66 and 215 in relation to public consultation and implementation respectively.

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
DP5 - Community facilities
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP9 - Development outside 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
EH2 – Kellbalk Lane & East of Oxenby Place, Easingwold
EH3 – North of Meadow Spring Way, Easingwold

Other Relevant Documents

Affordable Housing Supplementary Planning Document – Adopted June 2008
Open Space, Sport & Recreation Supplementary Planning Document – Adopted February 2011
Sustainable Development Supplementary Planning Document – Adopted June 2008
Council Plan
Hambleton Biodiversity Action Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Easingwold Town Council

- 4.1 Wish to see the application refused.
- 4.2 The Town Council have previously raised concerns with HDC over large developments near this site.
- 4.3 Easingwold Town Council strongly objects to this application going ahead. Further housing developments are allocated with the LDF for the surrounding area at Kellbalk and the Ward Trailers Site.
- 4.4 Even more traffic is likely to flow this way from these sites to the Stillington Road / York Road junction. The development would give rise to significant highways issues, increasing traffic flows on an already difficult stretch of road.

- 4.5 The current infrastructure in the Stillington Road / York Road area cannot cope at the moment and approving another residential development will only increase the issues.
- 4.6 The Town Council has strong concerns over surface water and sewage which would come from the site as with the Redrow development concerns were raised, and over the past 2 weeks drains have burst and the site and surrounding residential area has been flooded. The current design of the sewers is inadequate.
- 4.7 If the Town Council wished to see additional development in Easingwold, other areas in the town would be considered much more preferable.

NYCC Highways

- 4.8 No objection subject to conditions (including the requirement for a new roundabout at the junction of York Road and Stillington Road) and a s.106 agreement to ensure that before occupation of any dwelling the Applicant shall implement the change to the road traffic orders and move the 30 mph speed limit and provide a 40 mph buffer section on Stillington Road. The approved details shall undergo the legal process which the highway authority will undertake at the applicants expense.

NYCC Education

- 4.9 Confirm that 43 pupils would be generated by the development which would result in a shortfall of 68 places at Easingwold Community Primary School. Therefore, a contribution of £584,628 has been requested.

NYCC Development Management Archaeologist

- 4.10 Requests more information.
- 4.11 The Desk Based Assessment prepared by CGMS Consulting has considered the potential for designated heritage assets and non-designated heritage assets to survive within the site. The report has concluded that the site has low/nil potential for non-designated archaeological evidence from all periods and states that the HER does not record anything of archaeological interest on the site.
- 4.12 A series of boundaries of uncertain date were seen as cropmarks on aerial photographs. The boundaries may be part of some kind of field system, but they do not form a coherent pattern.
- 4.13 Accordingly, a geophysical survey should be undertaken to identify if further archaeological features that may survive within the site boundary. This advice is in accordance with the NPPF.
- 4.14 The evaluation results should include a statement on the archaeological potential of the site/area and a statement of archaeological significance, as well as an assessment of the archaeological impact of the development proposals. An informed and reasonable planning decision can then be taken as to whether the development should be approved in its present form. If so, the above information will assist in identifying mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains.

HDC Environmental Health Officer

- 4.15 No objections. The potential noise sources from Stillington Road and Easingwold Business Park have been identified. These should not have a significant impact on the suitability of the development as it could be designed so as to mitigate against these but a full noise assessment would be requested at reserved matters stage.

- 4.16 The Council seeks to achieve lower limits of 30 dB LAeq, 16 hr 07.00-23.00 for all living room areas and external recreational areas and gardens at 50 LAeq, T, dB 16 hrs 07.00-23.00 not the 35 dB LAeq, 16hr 23.00-07.00 and 55 LAeq, T, dB 16 hrs 07.00-23.00 stated in the application.

HDC Sustainable Development Officer

- 4.17 Confirms that the 'Renewable Energy Statement' provides an acceptable analysis.
- 4.18 Wishes to see a centralised biomass, or even gas, boiler with district heating system considered for the site.
- 4.19 Further energy need reductions due to fabric improvements over and above the Building Regulations Part L standard can be considered to contribute towards the target for renewable energy. Suggests that a combination of technologies would provide the best solution.

HDC Leisure Services Officer

- 4.20 Comments awaited.

Yorkshire Water

- 4.21 Object to the application.
- 4.22 Company records indicate that this site is not allocated in the adopted development plan. The proposed development would drain to Easingwold Waste Water Treatment Works (WWTW). The works is at the limits of its capacity and the foul drainage alone from this development could cause the works to fail a standard agreed set by the Environment Agency. I am aware that there are some existing large allocated housing sites that will be draining to the works in the very near future.
- 4.23 The developer must therefore demonstrate how the issue of sewage treatment will be dealt with. I suggest they contact YWS in this regard so that we can better assess the impact on the works. We would almost certainly have to ask the developer to pay for any upgrade of the existing WWTW required for the treatment of waste water from this development. We would not allow any discharge of foul water into the public sewerage network until such time as the issue of the treatment of foul water is resolved.
- 4.24 A developer funded feasibility study should be carried out to better understand the situation.

Internal Drainage Board

- 4.25 Object to the application pending an agreement of the surface water discharge arrangements.
- 4.26 The majority of the site falls within the Drainage Board District. The IDB believes that the surrounding land discharges by gravity into the Lease Mires Drain, a Board maintained watercourse. This watercourse eventually discharges through various drains into the River Kyle, which discharges by gravity into the River Ouse.
- 4.27 The Board is aware of a recent substantial flooding issue at Longbridge House from the Longbridge Beck and have been consulted by the developers to the south the application site, about discharging into the Lease Mires Drain system.
- 4.28 The Board requires restricted flow to agricultural run-off rates.

The Environment Agency

4.29 Comments awaited.

Police Architectural Liaison Officer

4.30 Provides the following recommendations:

4.31 *Recommendation 1* - The proposed layout should incorporate as many cul-de-sacs as possible.

4.32 *Recommendation 2* - The proposed development attains Secured By Design Certification, and not just conform to the principles of Secured By Design.

4.33 *Recommendation 3* - That remote and rear car parking courts be avoided wherever possible, and that in-curtilage parking be adopted in the first instance and being the majority of parking on this site.

4.34 *Recommendation 4* - Car ports are avoided. Roofs restrict surveillance and give the opportunity of crime to go unforeseen.

4.35 *Recommendation 5* - Undercroft parking is avoided unless lockable doors are included, effectively turning them into conventional garages. Garage doors should conform to SBD standards.

4.36 *Recommendation 6* - The play area should be designed for a certain age limit.

4.37 *Recommendation 7* - The play park should display clear signage informing the residents and users of the park, what time the park is open and closed.

4.38 *Recommendation 8* - Litter bins should be provided at suitable locations in the play areas.

4.39 *Recommendation 9* - Adequate security must be in place during the construction phase, including: robust perimeter fencing of the site and a monitored alarm system for the site cabins, secure storage of plant and equipment and security of any fuel storage.

Network Rail

4.40 Network Rail has no objection in principle to the development. Network Rail's only concern is the routes that construction traffic will take to/from the development site during the construction phase with relation to railway bridges along the route. Network Rail has requested that they be informed of abnormal loads with a minimum of 6 weeks' notice. There may also be a requirement for bridge protection measures to be put in place at the Applicant's expense.

Campaign to Protect Rural England

4.41 Object to the proposed development

4.42 The site is not allocated for development in the Local Plan.

4.43 The site is outside the limits for the Town set in the Local Plan.

4.44 The sewerage system in the town is unable to handle the present demands put upon it. Until pipes with greater capacity are installed, no development beyond those already approved should be built.

4.45 Present traffic difficulties on Stillington Road would increase.

Network Rail

4.46 Confirmed no observations.

Public Consultation

Pre-Application Consultation

4.47 The Applicant delivered flyers inviting 861 households in the area to attend a public exhibition at the Galtres Centre and placed a notice in the Easingwold Advertiser and Weekly News. A web site was created to gather public comments.

4.48 63 members of the public attended the exhibition, 3.5% of those invited, and 27 questionnaire responses were received, 1.5% of those invited to comment. A further 9 comments were received afterwards, bringing the total to 36. 75% of respondents did not support the development.

4.49 The Applicant's Consultation Statement does not identify and changes made to the proposal as a result of this exercise.

Representations Received

4.50 The planning application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 23rd September 2013. 15 letters of objection and 1 of support have been received, which are summarised as follows: -

- a) The site is not allocated for development within the Local Development Framework.
- b) If this massive residential development is approved at such an early stage in the life of the Local Development Framework it would compromise the integrity of the plan long before most of the scheduled developments have commenced.
- c) At no stage were these 16.5 acres of agricultural land put forward for inclusion within the Allocations DPD. This application, if approved would leave "the door open" for every chancer in the country to produce an artfully presented application such as this to apply for other extensive sites on the curtilage of Easingwold.
- d) Two housing developments (Redrow & Ward Trailers) have been approved with the possibility of a third (Jomast on EM1), which would already provide a disproportionate level of housing in the southern part of the town.
- e) This part of the town is already subject to severe, unacceptable drainage and flooding difficulties, which I remain unresolved.
- f) No further development should be allowed until the long-standing water problems are fully and finally resolved.
- g) Residents have suffered from two floods on the Broadlea estate. The pipes were unable to take the load during a heavy downpour and sewage surcharged from the drainage system.
- h) The existing drainage system was never designed to cope with the amount of housing now proposed. Fear that Broadlea estate will end up being constantly flooded with water and sewage (being the lowest point in Easingwold).
- i) It has been a long established fact that there is far too much traffic using the Stillington Road in Easingwold. The road is used by a variety of farm vehicles and assorted heavy goods vehicles. It is also one of the main routes out of Easingwold to the villages to the north, east and south of the town and is increasingly used as a quick alternative route to the ring road avoiding the A19 south into York. The proposed increase in housing in this area can only mean

more traffic using this very busy, narrow road and for traffic wishing to go into the town of Easingwold, or travelling to join the A19, having to use the incredibly busy and dangerous, junction at the end of Long Street/Stillington Road.

- j) The proposed development would result in excessive increases in traffic flow and volume on the narrow Stillington Road and its already overloaded junction with York Road.
- k) No objection provided that planning permission is conditional upon upgrading the Stillington Road / York Road junction a roundabout and improvements to the local sewerage system.
- l) Access onto Stillington Road will be dangerous due to the speed of vehicles and existing problems with queuing at school times and the timing of all these new developments coming at once.
- m) The impact of this additional population will put unreasonable strain upon the ability of the Town Centre to deal with the traffic generated.
- n) A local population increase on the proposed scale would over-stretch local infrastructure especially schools and doctors.
- o) Any Open Space/Play Areas needs to be accompanied by a lifetime fund for maintenance.
- p) The Redrow Homes development provided developer contributions towards the community i.e. funding a school sports hall but a planning application for the Sports Hall has been submitted. Will these new developers be offering similar inducements and will they be creating affordable housing, accessible housing for the elderly and assistance to increase the facilities at our schools?
- q) The Dentist and Doctors surgery are fit too burst and if each occupies two children that means there will be 350 more children to Educate and cater for.
- r) Residents on Meadowfield close will lose the open aspect to the rear of their properties.
- s) Negative impact on wildlife.
- t) Local residents will have to put up with disturbance, dust, grit and noise.
- u) The plan will destroy a large area of working farmland with the destruction of hedgerows, trees and will destroy the habitat for a lot of wildlife.
- v) Local residents will be overwhelmed by the amount of social housing.

5.0 OBSERVATIONS

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

- a) Housing Supply
- b) Scale & Distribution of Development
- c) Development Limits
- d) Housing Mix, Type & Tenure
- e) Affordable Housing
- f) Public Open Space
- g) Education
- h) Highways Issues
- i) Drainage & Flood Risk
- j) Design & Layout
- k) Sustainable Construction
- l) Landscape & Visual Impact
- m) Trees & Ecology
- n) Archaeology
- o) Infrastructure & Services
- p) Community Engagement

Housing Supply

5.2 The first of the NPPF's 12 core planning principles is that planning should be "genuinely plan-led" and therefore the development of this unallocated site should only be considered in exceptional circumstances, where it can deliver benefits that

clearly outweigh the natural disadvantage of not following the LDF's spatial strategy. The Applicant contends that their calculation of future housing supply within the District justifies planning permission being granted. The Council sets out its policies for housing supply in its Development Plan Documents. These documents were adopted before the publication of the National Planning Policy Framework (NPPF). The NPPF places emphasis on maintaining a 5 year supply of deliverable housing (paragraph 49). Paragraph 47 requires an additional 20% buffer to be applied where there has been a record of persistent under delivery. There is no clear and concise definition regarding what constitutes persistent under delivery of housing. Whilst the Council considers that District-wide targets were met in 4 out of the last 9 years, it recognises that delivery has been below target in the last few years, and accepts that it is prudent to plan for a five year supply on the basis of requiring an additional 20% buffer.

- 5.3 Beyond this 20% buffer it has become practice in some appeal decisions to add the backlog in undersupply to the next five years' supply (known as the 'Sedgefield Method') or over the remaining period (known as the 'Liverpool Method'). This practice is not required by national or local planning policy but has developed in a series of appeal decisions, the first of which was in Sedgefield (the Liverpool Method was accepted as an alternative approach by an Inspector handling an appeal in that city).
- 5.4 The Council is mindful of the Government's objective to boost housing supply nationally, and has taken into account recent appeal decisions when determining the methods to use to calculate housing supply. Therefore the Council has taken a cautious approach to calculating five year supply for the District, with an additional buffer of 20% and undersupply incorporated into the five year supply (i.e. following the Sedgefield Method). A robust survey has been carried out for all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 5.5 The Core Strategy in CP5 sets a target of 290 dwellings per annum gross for the period 2011 to 2016 delivery (1,450 five years supply), adding 20% leads to a revised target of 1,740 delivery (an additional 290 dwellings). The undersupply backlog for the District over the period April 2004 - September 2013 is 358. If this were added to the above the total requirement (five years' supply plus 20% plus backlog) would be 2,098 dwellings (420 pa over five years). The Council is currently considering how to respond to this, including whether it is necessary to relax the phasing of development sites set out in the Allocations DPD and a decision is expected from Cabinet on 5 November. If this occurs, taking into account the findings of our 2013 Developers' Survey, the District has a deliverable supply of 2,267 dwellings. This exceeds the revised target requirement for supply (169 surplus), even when adopting the most cautious approach to its calculation. Therefore, subject to Cabinet endorsing a proposed relaxation of phasing, it is considered that the Council's policies relating to the supply of housing remain relevant and carry full weight in the determination of this application.
- 5.6 If the proposal were developed over 5 years (assuming a start date in 2014/15 and a build rate of 30 dwellings per annum) the Planning Statement suggests a 54 month build period, i.e. 4.5 years, approximately 120 units could be delivered within the next five years. The district would have a surplus of 289 over the five year requirement (based on the cautious approach including 20% buffer and making good the undersupply within 5 years). It is acknowledged that national policy within NPPF paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and it could be argued that an additional 5% of the District's housing requirement would contribute towards the overall objectives of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years (i.e. with 20% and historic under-provision added). As such there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits. Where such releases are

necessary in future, they should be guided by the plan making process and subject to the proposed relaxation of phasing there is no reason to depart from the strategy set out in the LDF.

- 5.7 LDF policies regarding distribution remain relevant. The implications for the Sub Area ought to be considered, and afforded appropriate weight. To assist in the consideration of the distribution sub area calculations have also been made, the five year requirement for the Easingwold Sub Area is 230 (again this is with the adoption of the most cautious approach to calculation of supply). A relaxed phasing approach would lead to a supply of 348, a surplus of 119 dwellings. The survey indicated that all allocations within Easingwold Service Centre can come forward and contribute to the housing supply. In addition to the calculated supply, it is considered that there are further sites within Development Limits which could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.

Scale, Distribution and Timing of Development

- 5.8 The proposed scheme would provide up to 175 dwellings, within the Service Centre of Easingwold. Spatial Principle 2 of the adopted Core Strategy defines the Easingwold Sub Area as an *Area of Restraint*. This approach is intended to reduce cross boundary commuting and resist further in migration by promoting more sustainable live work patterns. The LDF responds by reducing the scale of new housing development within *Areas of Restraint*. Paragraph 4.2.5 of the adopted Core Strategy states that a proportionately lower scale of development is proposed in the “*areas of restraint*”.
- 5.9 Policies CP5 and CP5A identify the scale of new housing, for the period 2011 to 2016, as 40 dwellings (14% of 290) per annum are required for the Easingwold Sub Area for the period. At least two thirds of all new housing should be provided within Easingwold Service Centre (CP6 1). With an annual District requirement of 420 pa (five years’ supply plus 20% plus backlog), the Easingwold Sub Area would be expected to deliver around 59 dwellings per annum, around 39 of which should be within the Service Centre (2011-2016). Post 2016, 11% of the District’s requirement should be within the Easingwold Sub Area. This equates to around 46 dwellings per annum in the Sub Area and around 31 dwellings per annum in the Service Centre.
- 5.10 Assuming a delivery rate averaging 30 units over 4 years (from 2014/15 to 2017/18), 120 of the 175 dwellings would be constructed within 5 years. On that basis the proposed development would deliver 52% of the Sub Area’s 5 year requirement of 230.
- 5.11 Furthermore, the Council’s recent survey of supply for the Easingwold Sub Area, as discussed above, indicates that 348 dwellings could be delivered within five years based on existing permissions and allocations. This is beyond the five year requirement with additional 20% buffer and compensating for under-supply in previous years. An additional 120 dwellings would lead to a supply of 468 dwellings. This would be an oversupply of 238 dwellings, 103% over the Sub Area’s requirement based on the Council’s policies for housing distribution. Additional development of this scale would not be appropriate in an area of restraint, particularly when the Council can demonstrate an adequate supply of deliverable site comprising five year supply plus 20% plus backlog. The proposal is therefore contrary to adopted policy and is not needed in order to achieve local housing requirements.

Development Limits

- 5.12 The site is a Greenfield site outside the development limits of Easingwold. Policy CP4 and Development Policies DP8 and DP9 identify criteria for assessing development outside Development Limits. Notably DP8 states that the Development Limits are defined in order to achieve the following “i ...to relate development

- opportunities to the *scale and appropriate distribution* of housing proposed to be met by the sustainable hierarchy of settlements during the LDF period; ii to ensure that new development is *sympathetic in scale and location* to the form and character of settlements”. Policy DP8 goes on to consider the location of the Development Limits and states that the location of the Development Limits will ensure that development within it will “c) not have a detrimental impact on the character, appearance and environmental quality of the adjacent countryside or otherwise conflict with the environmental policies of the LDF; and d) *meet the needs of the area*, and can be accommodated within the capacity of the existing infrastructure”.
- 5.13 Scale and distribution have been discussed above and it is considered that development of the scale proposed in Easingwold does not accord with the Councils’ adopted policies. Housing need is discussed in relation to Housing Supply and affordable housing. With regards to housing supply it is considered that the development would lead to a surplus in supply which would be inappropriate within an *Area of Restraint* and could undermine the overall spatial strategy for the District.
- 5.14 The need for affordable homes is considered separately. However, there remain other opportunities to deliver affordable housing within Easingwold’s Development Limits. Furthermore, Policy CP9A supports housing schemes outside but adjacent to the Development Limits of Easingwold where 100% affordable housing is to be provided to meet local need and where any development is small in scale.
- 5.15 Policy DP9 of the adopted Development Policies DPD is of relevance and states that permission will only be granted outside Development Limits in exceptional circumstances having regards to the provisions of Policy CP4. CP4 supports development within the Development Limits of the settlements in the hierarchy where that development is of a *scale and nature appropriate to secure the sustainability* of each settlement. In addition, Policy CP4 states that development in other locations will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, *and where....* it provides affordable housing which meets an identified local need.
- 5.16 When considering the size of the development against the requirements for the Sub Area, based on adopted policy, and the level of over provision resultant within the settlement it is clear that the development is not of a scale and nature that is appropriate to secure the sustainability of Easingwold. It is considered that the Allocations DPD has made adequate provision for housing for Easingwold in order to secure the sustainability of the town; the recent Developers’ Survey demonstrates that there are more than sufficient deliverable sites to meet the need for new housing over the coming five years.
- 5.17 It is accepted that previous allocations in Easingwold have not achieved the target of 50% affordable housing and it is acknowledged that the proposed development would make provision for affordable housing; the Planning Statement states that 87 affordable units (50%) would be provided. However, there are further opportunities to deliver affordable housing within the Service Centre through existing Allocation Sites EH3 and EH2 (which can come forward within the next 5 years) alongside the proposed development of additional housing development at site EM1. Also, there is scope for small scale exception sites under provisions of DP9A and windfalls, within Development Limits, which would supplement the supply of affordable housing. Consequently, it is not accepted that this proposal presents an *exceptional case* for development outside Development Limits on the basis of meeting local need beyond what could be achieved through identified housing allocations and other more appropriately sized developments.
- 5.18 It is acknowledged that Easingwold is a Service Centre with a good range of services and facilities, and that the development is located within convenient walking distance of a number of local amenities. Whilst some windfall development may be

acceptable within Easingwold, the scale of this proposal would lead to additional provision significantly beyond the town's requirements.

- 5.19 It is considered that that if development of this scale were to be approved in this location it would be inappropriate, contributing to unsustainable live-work patterns, tipping the balance between what would be acceptable in a Service Centre, acknowledging the facilities it provides, and the overall aims and objectives of the area of restraint. It therefore considered that there is no exceptional case in terms of policies CP4, CP1 and CP2.

Housing Mix, Type & Tenure

- 5.20 Policy CP8 of the adopted Core Strategy states that 'Proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. These needs will include appropriate provision for all sectors of the community, for example including the needs of elderly people...'
- 5.21 The Applicant's 'Planning Statement' indicates that mix of 2, 3, 4 and 5 bed dwellings (market housing) would be provided. However, no commitment is given regarding the provision of elderly persons' accommodation (e.g. bungalows) despite the Planning Statement's recognition of Easingwold's aging population. The Council supports mixed communities and would therefore seek some provision for the elderly in any reserved matters application.

Affordable Housing

- 5.22 Easingwold is identified as a Service Centre within the Settlement Hierarchy defined within Policy CP4 of the adopted Core Strategy. It is considered a small rural settlement with regard to the definitions within Policy CP9A. Under the provisions of CP9A small scale schemes for 100% affordable housing outside but adjacent to Development Limits would be supported. The proposed development would not fall under the provisions of CP9A; it is not a small scale development and would be undesirable in terms of social inclusion (CP8 and DP13) to seek 100% affordable housing for scheme of this scale.
- 5.23 The Applicant has offered to provide 50% affordable housing on site, citing Policy CP9 as justification for this approach. Policy CP9 applies and identifies a target of 50% affordable housing for new developments of 15 or more dwellings within the Development Limits of Easingwold. This 50% target could only apply if the site were considered necessary in terms of its contribution towards meeting the District's identified housing supply. As identified within paragraphs 5.2 to 5.7 of this report, and subject to Cabinet approving relaxation of phasing, this District has a 5 year supply plus 20% plus making good past under-delivery and development of this particular site is not required and should be refused as an off-plan proposal.
- 5.24 A framework for a 'unilateral undertaking' was submitted to the Council for comment on 29th October 2013. Insufficient time is available to properly advise Members of the document's acceptability or otherwise. Consequently, in the absence of an agreed and signed 'unilateral undertaking' a further reason for refusal appears within the recommendation.

Public Open Space

- 5.25 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

- 5.26 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document (Open Space SPD) identifies that developments of between 80 and 300 dwellings should make provision for amenity green space, public parks, play areas and facilities for teenagers on site. In addition, off-site contributions will normally also be sought to ensure Policy DP37 Standards are met, because the Council's evidence base indicates significant shortfalls in the amount of amenity space in all sub areas (see paragraph 4.12 of the Open Space SPD).
- 5.27 The illustrative layout plan shows sufficient amenity green space and a play area on-site but does not include a facility for teenagers (such as a skate park or bike track). Nonetheless, firm proposals for adequate on-site public open space, sport and recreation could be secured at reserved matters stage.
- 5.28 In the absence of sufficient on-site provision, Policy DP37 requires a financial contribution towards improving off-site provision elsewhere. Given that dwelling numbers, types and sizes are not fixed, a formula for calculating a commuted sum should be included within any s.106 agreement rather than an agreed figure at this stage. The formula would be based on Table 3 contained within the Open Space SPD (i.e. £2,205.20 per 2 bed, £3,307.80 per 3 bed and £4,410.40 per 4 bed and £5,513 per 5 bed), plus an indexation but minus any on-site provision.
- 5.29 Again, in the absence of an agreed and signed 'unilateral undertaking' a further reason for refusal appears within the recommendation.

Education

- 5.30 Policy DP2 of the adopted Development Policies DPD stipulates that contributions will be sought where necessary to ensure the achievement of sustainable development, including the provision of additional infrastructure whenever there is a need generated by the new development. This includes, amongst other things, provision of additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are appropriately placed to serve a development, having regard to the need to minimise travel, consistent with Core Policy CP2.
- 5.31 In addition, Policy DP5 of the Development Policies DPD 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
- 5.32 NYCC Children and Young Peoples Service has confirmed that 43 pupils would be generated by the development which would be part of an overall shortfall of 68 places at Easingwold Community Primary School. Therefore, a contribution of £584,628 has been requested and the Applicant's response is awaited. Again, in the absence of an agreed and signed 'unilateral undertaking' a further reason for refusal appears within the recommendation.
- 5.33 NYCC Children and Young Peoples Service has also identified a shortfall of 2,466 sqm of recreation space at Easingwold Community Primary School. This shortfall is comprised of 2,330 sqm of team game playing fields and 144 sqm of informal and social areas with a small surplus of 28 sqm for hard standing playground. This calculation is based on current attendance of 283 pupils, not taking into account numbers expected through recent planning permissions at EM1 (Redrow) and Ward Trailers. A further increase in pupil numbers as a result of this development would further increase this shortfall in provision.

Highways Issues

- 5.34 A Transport Assessment (TA) produced by Croft Transport Solutions has been submitted with the application. The TA examines the transport related impacts of the proposed redevelopment. Access to the site by all modes of transport has been fully considered with both positive and negative impacts identified. The TA concludes that the additional generated traffic can be readily accommodated on the local road network such that no mitigation measures for capacity or safety reasons are required.
- 5.35 The Local Highway Authority has raised no objections subject to conditions (including the requirement for a new roundabout at the junction of York Road and Stillington Road) and a s.106 agreement requiring that before occupation of any dwelling the Applicant shall implement the change to the road traffic orders and move the 30 mph speed limit and provide a 40 mph buffer section on Stillington Road.

Flood Risk & Drainage

- 5.36 Policy DP43 of adopted the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.37 A Flood Risk Assessment (FRA) produced by Opus International Consultants Ltd has been submitted with the application. The FRA confirms that site can be classified as being within Flood Zone 1, an area with low flood risk, and is outside the flood envelope of all other identified sources of flood potential.
- 5.38 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.39 The Applicant's drainage proposals include a gravity foul drainage connection to the existing adopted foul sewer in Stillington Road and an attenuated surface water drainage system discharging to an on-site Sustainable Urban Drainage System incorporating a pond situated at the southern edge of the site.
- 5.40 Yorkshire Water (YW) & the Internal Drainage Board (IDB) have raised firm objections to the proposed means of drainage. A summary of their consultation responses are contained within Section 4 of this report. In summary, the Easingwold Waste Water Treatment Works is at the limit of its capacity and the foul drainage alone from this development could cause the works to fail, whilst consent has not been given by the IDB to discharge into the Leasmires Drain.
- 5.41 In light of the concerns raised by YW and the IDB, the proposed development fails to comply with the objectives of Policy DP6 of the adopted Development Policies DPD.

Design & Layout

- 5.42 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.
- 5.43 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute

positively to making places better for people.” The NPPF also emphasises, in paragraph 66, the importance of public engagement in evolving good design. That is considered later in this report.

- 5.44 The application is submitted in outline form and therefore the detailed design (including the impact on neighbours) and density would be determined at a later date through the submission of reserved matters applications.
- 5.45 Notwithstanding the need for future reserved matters applications, an indicative masterplan has been submitted with the application and shows how a development of appropriately 175 dwellings could be designed.
- 5.46 The broad principles of the illustrative layout are considered to be acceptable. However, the Council expects further pre-application discussions to take place, concerning external appearance, design and layout, in advance of any reserved matters application.

Sustainable Construction

- 5.47 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.
- 5.48 A ‘Renewable Energy Statement’ has been submitted in support of the application. The proposed strategy is based on an initial improvement in standard energy efficiency which meets the emissions targets for Building Regulations 2010 Part L. Details of how the scheme will fully achieve any Part L Building Regulation compliance can only be confirmed at detailed design stage but will encompass a ‘Fabric First’ approach.
- 5.49 In the event that the Council was minded to grant planning permission, a suitably worded condition could be imposed to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies.

Landscape & Visual Impact

- 5.50 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.51 A Landscape & Visual Impact Assessment (LVIA) produced by FPCR Environment & Design Ltd has been submitted with the application. The LVIA considers the potential effects of the development upon: individual landscape features and elements; landscape character and visual amenity and the people who view the landscape.
- 5.52 The LVIA concludes that direct effects on landscape fabric would be minor. The LVIA states that “the development would have a direct effect on the landscape fabric and an indirect effect on landscape character. There would be a loss of agricultural land, with some loss of trees and hedgerows as a result of development; however these would be replaced with new tree and hedgerow planting...In the longer term as the planting matures there would be some beneficial landscape effects from the new landscape features.”

- 5.53 These National Character Area “Vale of York” and county-level character area “Intensively Farmed Lowland” are both relatively large scale areas of distinct characteristics. The scale of these landscapes means that a change of the size proposed, comprising up to 175 new homes, and new landscape areas would have a low overall effect on these National or County landscape character areas.
- 5.54 In terms of landscape character, the LVIA concludes that area has ‘a medium susceptibility to small/medium scale residential development, because of its intrinsic characteristics. The development would have a minor/moderate magnitude of landscape change across the wider character area leading to minor/negligible adverse landscape effect overall on this character area.’
- 5.55 Views from houses looking onto the site would inevitably be adversely affected by the development. Development would initially result in a moderate / major adverse visual effect, for those properties with open views. However, loss of view or outlook is not a material planning consideration.

Trees & Ecology

- 5.56 An ‘Arboricultural Assessment’ produced by FPCR Environment & Design Ltd has been submitted with the application. A survey and assessment of existing trees has been carried out in accordance with British Standard 5837:2012 ‘*Trees in Relation to Design, Demolition and Construction - Recommendations*’ (BS5837).
- 5.57 The tree stock was found to be of generally fair or good condition with only a limited number of trees in a poor condition. All trees are positioned along the boundary or internal hedgerows within the site.
- 5.58 The Arboricultural Assessment concludes that the proposed development would require the removal of seven trees. Of which five are considered to be Category C and to therefore offer low arboricultural quality or value to the site. The removal of two Category B oak trees (T15 & T16 – 8m and 5m high respectively), would have a small and limited effect on the immediate landscape due to their position internal to the site and smaller dimensions compared with other trees on site.
- 5.59 The illustrative layout has designed to minimise tree losses and incorporates a substantial proportion of existing and this approach is supported.
- 5.60 Root protection measures are recommended along with an Arboricultural Method Statement detailing the specific protection measures necessary for each tree.
- 5.61 Policy DP31 of the adopted Development Policies DPD 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’.
- 5.62 An ‘Ecological Appraisal’ produced FPCR Environment & Design Ltd has been submitted with the application. The Ecological Appraisal confirms that the site is of low ecological value but does provide a nesting habitat for birds, and potential habitat for a range of wildlife including bats.
- 5.63 Three hedgerows (H4, H5, and H10) are likely to be important under the wildlife and landscape criteria of the Hedgerow Regulations 1997. These would be retained an improved within the proposed development but not as domestic boundaries. Those trees identified as containing potential bat roosts have been retained within the illustrative layout.
- 5.64 The ‘Ecological Appraisal’ recommends specific mitigation measures to protect wildlife during and after construction. In the event that the Council is minded to grant

planning permission, a suitably worded condition could be imposed to secure the implementation of these mitigation measures.

Archaeology

- 5.65 Paragraph 128 of the NPPF states that “Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”
- 5.66 The Desk Based Assessment prepared by CGMS Consulting has considered the potential for designated heritage assets and non-designated heritage assets to survive within the site. The report has concluded that the site has low/nil potential for non-designated archaeological evidence from all periods and states that the ‘Historic Environment Record’ does not record anything of archaeological interest on the site.
- 5.67 Nonetheless, NYCC’s Archaeologist has identified the site as being of archaeological interest and has recommended that a geophysical survey be undertaken in advance of planning permission being granted. The survey will assist in identifying mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains.
- 5.68 The application is an outline with layout as a reserved matter. Consequently, it would be feasible to require submission of the geophysical survey by condition if permission were granted and to subsequently identify any mitigation or layout changes in response to its findings and recommendations.

Infrastructure & Services

- 5.69 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
- 5.70 Local residents have raised concerns about the impact on existing and planned services. Whilst the concerns of local residents are acknowledged, service providers tend to adopt a reactionary 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. In this case, the objections of Yorkshire Water and the Internal Drainage Board in terms of drainage infrastructure reflect these concerns and have been considered above.
- 5.71 The Primary Care Trust’s responsibilities have recently been transferred to the Clinical Commissioning Group (CCG). The CCG is not yet in a position to respond to planning application consultations. 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 local health care facilities is not prescribed and therefore no sum has been sought.

Community Engagement

- 5.72 Public consultation should be a genuinely meaningful exercise and must be guided by the Council’s Statement of Community Involvement and paragraph 66 of the NPPF.

- 5.73 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 5.74 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. It is clear within the SCI that where applicants have failed to seek the Council's input at an appropriate early stage this will be taken into account when assessing the meaningfulness of the consultation exercise, its relevance to the planning considerations and the weight to be attached to the results reported in the Consultation Statement. In this case there was no engagement with the Council on the content or nature of the pre-application consultation.
- 5.75 The limited response to the Applicant's consultation exercise has been noted earlier. The Applicant suggests that the relatively low turn out to the public exhibition indicates that "the silent majority" do not object to the scheme. This is purely supposition and it could be equally valid to suggest that the majority felt there was little point in commenting.
- 5.76 One question that did afford the public an opportunity to express preferences asked what sort of housing people would like to see on the site. The responses showed a strong preference for bungalows. The Applicant comments on this as follows: "It is particularly interesting that of those who wanted to see bungalows on the development, 63% did not support the development overall, and that 75% were aged over 50. This indicates that older residents in Easingwold would like to see bungalows on the development site and are perhaps objecting to the principle of the development as the type of houses proposed do not meet their needs. Supporting this, the initial sketches presented at the exhibition indicated two storey properties." This presented a clear opportunity for the Applicant to respond positively to public opinion but the submitted application has failed to do so.
- 5.77 The relevance and weight of the Applicant's Consultation Statement is limited by the lack of engagement with the Council, the very limited public interest in the exercise and the failure to respond to relevant comments. The Applicant has failed to demonstrate that they have worked closely with those affected by the proposal to evolve a design that takes account of the views of the community and as such the proposal should not be looked on favourably.

6.0 CONCLUSION

- 6.1 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.
- 6.2 Subject to relaxation of phasing, the District has an adequate supply of deliverable housing sites, even based on the most cautious of approaches to the calculation of supply. Development approved in this location would lead to an oversupply beyond the NPPF's additional buffer of 20% for choice and flexibility. The Council has a clear strategy for the scale and distribution of development, with development restraint in this area, which this proposal does not comply with. The proposal would result in a substantial over supply in the Easingwold Sub Area.
- 6.3 The development is outside development limits and no exceptional case has been made in line with policies DP9, CP4 CP1 and CP2, against a context where the Council can demonstrate adequate housing supply and therefore policies relating to supply and distribution should be afforded appropriate weight. Allowing development of this scale, where the District has a five year supply plus 20% plus the backlog from

previous years and an Adopted Development Plan including Allocations, undermines the core principle of that planning should be 'genuinely plan led' (paragraph 17, NPPF).

- 6.4 The proposed development fails to deliver a sufficient level of affordable housing and contributions towards additional school places and off-site public open space, sport and recreation facilities contrary.
- 6.5 In face of objections from Yorkshire Water and the Internal Drainage Board, the application fails to demonstrate that the proposed developments is be capable of being adequately drained without having a seriously harmful impact on existing systems.
- 6.6 The Local Highway Authority has raised no objections subject to conditions (including the requirement for a new roundabout at the junction of York Road and Stillington Road) and a s.106 agreement to ensure that before occupation of any dwelling the Applicant shall implement the change to the road traffic orders and move the 30 mph speed limit and provide a 40 mph buffer section on Stillington Road. As there is no S106 in place for this, a further reason for refusal is recommended.
- 6.7 A framework for a 'unilateral undertaking' was submitted to the Council for comment on 29th October 2013. Insufficient time is available to properly advise Members of the document's acceptability or otherwise. Consequently, in the absence of an agreed and signed 'unilateral undertaking' a further reason for refusal appears within the recommendation.
- 6.8 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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

7.0 RECOMMENDATION

REFUSED for the following reasons:-

1. The proposal represents unsustainable development on a greenfield site outside of the Development Limits without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4, CP6 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and prevent the coalescence of settlements, and ensure the capacity of existing infrastructure and facilities is not exceeded.
2. The proposed development would lead to an oversupply of housing within the District contrary to Policy CP6 of the adopted Core Strategy, which provides a clear strategy for the scale and distribution of new housing and a substantial oversupply of housing within the Easingwold Sub Area, contrary to Spatial Principle 2 of the adopted Core Strategy which identifies Easingwold Sub Area as an 'Area of Restraint'.
3. The proposed development fails to deliver a sufficient level of affordable housing, contrary to Policy CP9 and CP9A of the adopted Core Strategy DPD which specify affordable housing targets of 50% (within Development Limits) and 100% (outside Development Limits) respectively.
4. The proposed development fails to deliver a contribution towards off-site public open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies DPD 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.

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.
6. The Easingwold Waste Water Treatment Works is at the limit of its capacity and the foul drainage from the proposed development could cause the works to fail, whilst a suitable means of surface water disposal has not been secured, contrary to Policy DP6 of the adopted Development Policies DPD which stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems.
7. The development fails to secure off-site highway improvements necessary to accommodate the traffic that would be generated, specifically a change to road traffic orders and to move the 30 mph speed limit and provide a 40 mph buffer section on Stillington Road. Without these improvements the development cannot be accommodated satisfactorily within the local highway network, contrary to Policy DP6 of the adopted Hambleton Local Development Framework, the National Planning Policy Framework and the Design Manual for Roads and Bridges.
8. The proposed development fails to demonstrate that the Applicant has worked closely with those affected by the development or taken account of community views in the evolution of the design. Furthermore, insufficient evidence has been provided to demonstrate that the public was offered genuine choices and a real opportunity to influence the proposal. The proposal therefore fails to accord with the expectations of the NPPF (paragraph 66) and the Council's Statement of Community Involvement.

INFORMATIVE – REASON 2

Based upon the most cautious of approaches to calculating supply (i.e. 20% buffer and use of the Sedgefield Method for the delivery of undersupply in previous years), Hambleton District has a demonstrable land supply in excess of five years as required by the National Planning Policy Framework.

13/00583/FUL

Alterations and extensions to existing dwelling as amended by plan received by Hambleton District Council on 6 June 2013 and 17 October 2013. at Crosby Rise Thornton Le Beans North Yorkshire DL6 3SW for Mr & Mrs T Phillips.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for a number of alterations to the detached domestic property of Crosby Rise, Thornton-le-Beans. The site is located to the north of the C11 public highway running through the village. The scheme is brought before Members of the Planning Committee as the applicant is a relation of a Member of the Council.

1.2 Planning Committee resolved to defer consideration in June to allow re-design of the proposal. Amended plans were received by the Council on 17 October 2013 and the development now consists of a single storey extension to the side and rear of the property with the omission of the first floor accommodation previously included. The side and rear extension would measure approximately (maximum dimensions) 8.1m x 7.8m, with a total height of approximately 5.8m (measured from the ground levels to the front - southern - elevation). The single storey extension would provide for two en-suite bedrooms and an enlarged lounge area. Various internal works are proposed to accommodate the side and rear addition. The front porch is also proposed to be enlarged. Full re-consultation and re-notification have been undertaken on the basis of the amended details received.

1.3 Materials for the proposed works would comprise render and tiles with UPVC windows and doors. The existing dwelling is formed of brick with a pitched tiled roof and UPVC windows and doors.

1.4 The rear extension would sit approximately 4.5m (at the nearest point) to the rear (northern) boundary of the domestic curtilage. The rear and side extension would sit approximately 1.8m to the eastern boundary of the site to Hawaby House.

1.5 The plot levels descend from the north to the south. The ground levels to the north of the plot are lower than the garden levels of 6 Mawson Grove. The northern boundary is formed of a blockwork retaining wall below a timber panelled fence extending to a height of approximately 2.5m. The eastern side boundary and front of the existing dwelling is formed of a low hedgerow of varying heights. A leylandii tree is positioned adjacent to the eastern boundary immediately to the rear of the existing garage and is noted to be removed as part of the proposal.

1.6 The scheme would require the demolition of the three curtilage structures to the rear of the dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/84/156/0047 - Extensions To Existing Bungalow And Domestic Garage; Withdrawn 1984.

3.0 RELEVANT PLANNING POLICIES:

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

Supplementary Planning Document - Domestic Extensions - Adopted 22
December 2009
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Thornton le Beans and Crosby with Cotcliffe Parish Council - No objection raised to the previous plans, response to re-consultation awaited.

4.2 Neighbours re-notified and site notice posted; expires 27.10.13 - Response awaited.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the impact of the proposed works on the visual amenity of the surrounding area and any impact on neighbour amenity. As originally submitted, the proposal would have added a first floor to the bungalow and raised the roof line and inserted dormer windows. The amended plans significantly alter the proposal to an extension of the bungalow and the following assessment is made on that basis.

5.2 The topography of the site with higher land to the rear is such that to the eaves height at the front of the dwelling eaves are high and external doors are raised above ground level. To the rear of the property the eaves heights and access levels are lower due to the ascending ground levels to the north.

5.3 The scale of the proposal has been significantly lessened as a result of the removal of the first floor accommodation and is not considered to be overbearing to adjacent property to the rear. The extension to the footprint is to the rear (north) and therefore into the area of rising land, which reduces the perceived scale of the development. The scale of the proposal, the eastern boundary treatment and the separation distance to Hawnby House are noted, and that property is not considered to be adversely impacted. Crosby Rise is set at an angle to Prospect House and consequently the works would not harm this property.

5.4 Altering the eaves and ridge heights of the scheme as amended has been discussed with the agent for the applicant who has advised that this would not represent a viable option. However, in view of the issues explored above and taken overall, the scale is considered acceptable within the street scene. The design and materials of the proposal as amended are considered appropriate to the style of the dwelling and the varied street scene. The scheme would, in its revised form, not harm the amenities of occupants of adjacent property.

5.5 Having taken the above into account it is considered that the works accord with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval subject to outstanding consultation responses.

SUMMARY

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. The proposal accords with the policies set out in the Local Development Framework and is therefore considered acceptable.

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.

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 drawings and details received by Hambleton District Council on 15 March 2013 as amended by the plan received by Hambleton District Council on 17 October 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. 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.

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, CP17, DP1 and DP32.
3. 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.