

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 5 December 2013. The meeting will commence at 9.30am.

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

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the 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 5th December 2013

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	13/02003/FUL Mr A Cunningham Kirby Sigston Page no. 3	Retrospective application for external render and insulation works to dwellinghouses For: Col B Webber and Major A Kingston At: Oaktree Farmhouse and Cottage, Bullamoor Road, Northallerton RECOMMENDATION: GRANT
2	13/02078/FUL Mr J Saddington Linton on Ouse Page no. 5 SV	Construction of 20 affordable homes For: Broadacres & Yuill Homes At: Land to the North of Linton Meadow, Linton on Ouse RECOMMENDATION: GRANT
3	13/02125/FUL Miss A Peel Morton on Swale Page no. 20 SV	Revised application for demolition of existing bungalow and construction of a replacement dwelling, detached domestic garage and new vehicular access For: Mr and Mrs P Dixon At: Glencoe, Thrintoft RECOMMENDATION: GRANT
4	13/01956/FUL Mr J Saddington Northallerton Page no. 26	Construction of 241 dwellings and associated works For: David Wilson Homes Yorkshire (East) Division At: Yafforth Road, Northallerton RECOMMENDATION: GRANT
5	13/01986/FUL Mr J Saddington Raskelf Page no. 65 SV	Conversion of existing Public House to 1 residential unit and construction of 2 new dwellings For: Skelwith Properties Limited At: Three Tuns Inn, Raskelf RECOMMENDATION: GRANT
6	13/02345/FUL Mrs T Price Romanby Page no. 77	Construction of an agricultural building to cover existing manure store For: R.E. Phillips & Son At: Romanby Grange, Boroughbridge Road, Northallerton RECOMMENDATION: GRANT

<p>7</p>	<p>13/02047/OUT Mrs B Robinson Romanby</p> <p>Page no. 80</p>	<p>Revised outline application for the construction of a detached dwelling with attached garage</p> <p>For: Mr and Mrs D Hartley At: 60, Boroughbridge Road, Northallerton</p>
<p>8</p>	<p>SV</p> <p>11/01435/FUL Mr J Saddington Topcliffe</p> <p>Page no. 86</p>	<p>RECOMMENDATION: GRANT</p> <p>Formation of an improved junction of the A168 (T) and B1448 to permit northbound and southbound movements</p> <p>For: Castlevale Group Ltd/Broadacres Services Ltd/Messrs Sowerby At: Topcliffe Road Junction (A168 & B1448), Topcliffe, Thirsk</p> <p>RECOMMENDATION: GRANT</p>

Parish: Kirby Sigston
Ward: Osmotherley

Committee Date : 5 December 2013
Officer dealing : Mr A J Cunningham
Target Date: 27 November 2013

1

13/02003/FUL

**Retrospective application for external render and insulation works to dwellinghouses.
at Oaktree Farmhouse And Cottage Bullamoor Road Northallerton North Yorkshire
for Col A Webber And Major B Kingston.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This retrospective application seeks planning consent for the application of external render and insulation to Oaktree Farmhouse, Bullamoor Road, Northallerton. Oaktree Farmhouse is a detached property located within a rural location to the west of Northallerton.

1.2 The applicant advises that Oaktree Farmhouse is divided into two dwellings.

1.3 The external render and insulation has been applied to the brick skin of the entire building. The render and insulation measures 53mm in total depth. The render has been painted a 'bamboo' colour.

1.4 The building the subject of this application is situated to the south of the public highway and is prominent from this public viewpoint.

1.5 The application is being brought before the Planning Committee as a Member of the Council is acting as agent for the applicant.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/91/085/0008E - Extension to existing dwellinghouse; Granted 1992.

2.2 13/01959/FUL - Installation of bi-fold doors in existing dwelling; Granted 2013.

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 CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - Wish to support application.

4.2 Neighbours notified and site notice posted; expired 30.10.2013 - Two responses received supporting the proposal:

- The rendered building is very pleasant on the eye and does not look out of place. Probably also helps to reduce use of heating oil, therefore environmentally friendly.
- The rendering looks extremely good, and improves the visual exterior of the houses.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the impact of the works on the visual amenity of the surrounding area and any impact on neighbour amenity.

5.2 The building is highly visible from the public highway and therefore the works are apparent to the locality. The extent of the works and the colouration of the render are such that the visual amenity of the rural landscape is not harmed, nor does the development raise any neighbour amenity issues.

5.3 The works are to improve the energy performance of the dwelling without harm to the character or appearance of the property or landscape and gain support from the policies of the Hambleton Local Development Framework and is recommended for approval.

SUMMARY

The development is not detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. The scheme 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 assessing the scheme 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.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED**.

Parish: Linton-on-Ouse
Ward: Shipton

Committee Date: 05 December 2013
Officer dealing: Mr Jonathan Saddington
Target Date: 09 January 2014

2

13/02078/FUL

Construction of 20 affordable homes, at Land to the north of Linton Meadow, Linton-on-Ouse, North Yorkshire for Broadacres & Yuill Homes

1.0 SUMMARY

- 1.1 Full planning permission is sought for the construction of 20 dwellings with associated parking, access, landscaping and a pumping station on land to the north of Linton Meadow, Linton-on-Ouse. This would deliver a development of approximately 22.4 dwellings per hectare (dph). The proposed development would achieve Code for Sustainable Homes Level 3.
- 1.2 The proposed dwellings are all two-storeys in height and would provide a mix of 2 and 3 bedroom dwellings plotted in pairs of semi-detached properties. The proposed dwellings measure approximately 4.9m high to the eaves x 9.1m high to the ridge. Each dwelling would be served by front and back gardens with two in-curtilage car parking spaces.
- 1.3 The proposed dwellings would be constructed using red-multi brickwork, render and concrete roof-tiles. Architectural detailing is of traditional form and incorporates: steeply pitched roofs with a central chimney; timber sprocketed eaves; brick dentil-course; arched header courses to windows with artstone cills; timber and tiled canopies above front doors and cottage-style panelled doors. Window profiles also reflect local character.
- 1.4 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 and side of properties without difficulty.
- 1.5 A 'dry basin' is proposed adjacent to the site's northern boundary. The dry basin is required to attenuate surface water run-off and would be planted with a wild-flower and grass mixture. An existing MOD surface water drain runs through the site and an easement is incorporated within the layout design for future access/maintenance of the drainage route.
- 1.6 The proposed layout does not incorporate on-site public open space or a children's play area, although generous pockets of incidental landscaping are proposed at key locations.
- 1.7 Existing trees and hedgerows to the periphery of the scheme have been retained and strengthened where required to form a natural green development boundary in keeping with the rural location. A gated access to the adjacent field will be provided and maintained.
- 1.8 The application site extends to 0.89 hectares and would be accessed from the Northern end of Linton Meadows, which is an existing residential development serving the RAF

base. The application site is currently used for agricultural purposes and is defined on its northern and western boundaries by existing mature hedge/tree line. Agricultural fields bound the site to the east, whilst Linton Meadows stands adjacent to the southern boundary.

- 1.9 Linton Meadows is served by a conventional highway construction with a footway on either side of a 5.5m wide road. This leads on to the main village street serving Linton-on-Ouse where local facilities are located including shop, post office, restaurant and public house. The RAF base is located to the north west of the application site.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework – March 2012

- 3.1 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.
- 3.2 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

Core Strategy Development Plan Document – Adopted April 2007

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community Assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9A - Affordable housing exceptions
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP20 - Design and reduction of crime
Core Strategy Policy CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

Development Policies Policy DP1 - Protecting amenity
Development Policies Policy DP2 - Securing developer contributions
Development Policies Policy DP3 - Site accessibility
Development Policies Policy DP4 - Access for all
Development Policies Policy DP6 - Utilities and infrastructure
Development Policies Policy DP8 - Development Limits
Development Policies Policy DP9 - Development outside Development Limits
Development Policies Policy DP10 - Form and character of settlements
Development Policies Policy DP15 - Promoting and maintaining affordable housing
Development Policies Policy DP30 - Protecting the character and appearance of the countryside

Development Policies Policy DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies Policy DP32 - General design
Development Policies Policy DP33 - Landscaping
Development Policies Policy DP34 - Sustainable energy
Development Policies Policy DP36 - Waste
Development Policies Policy DP37 - Open space, sport and recreation
Development Policies Policy DP43 - Flooding and floodplains

Other Relevant Documents

Affordable Housing SPD
Public Open Space, Sport & Recreation SPD
Sustainable Development SPD
Hambleton Biodiversity Action Plan

4.0 CONSULTATIONS

Linton Parish Council

- 4.1 Actively support this proposal and wish to see it approved as submitted

NYCC Highways

- 4.2 No objection subject to the principle of the development. However, have raised the following concerns with the proposed site layout as submitted:
- 4.3 *Footway Provision* – it is proposed to provide a footway to serve only a part of the development and the majority of the site would have grass verges without pedestrian facility. This creates problems for pedestrians and also raises concern regarding maintenance responsibility. It is proposed to connect the new footway to that existing on Linton Meadow; however this does not fully extend the whole distance to the proposed site boundary. There is a missing section of footway outside property number 36A where a number of fir trees have been planted. This area does not form part of the highway maintained at public expense and therefore the footway could only be connected on one side of the road, i.e. the eastern side. The proposed section of footway on the western side of the access road would not be necessary due to this “missing link. It is considered that this section of footway should be removed but the remaining footway extended from outside the proposed dwelling number 17 to the end of the turning head opposite dwelling number 11/12.
- 4.4 *Planting Areas* – There are several areas of the proposed planting shown on the proposed site plan. These will require low level planting in most cases to ensure that visibility is maintained. Landscaping details will be required.
- 4.5 *General 1* – The wearing course of the existing carriageway of Linton Meadow is poor condition and would require renewal. Given that the proposal will intensify the use of the existing road it is requested that the Applicant includes this as part of the development.
- 4.6 *General 2* – There is no street lighting scheme included. Any proposal must be approved by the County Council's Road Lighting Unit.
- 4.7 *General 3* – It will be necessary to submit full drainage, construction and long section plans in addition to the other details above.

- 4.8 *Summary* – The Applicant should amend the site layout, provide the additional information required above and confirm acceptance of the required resurfacing works. The LHA awaits the Applicant's response before making a formal recommendation.

HDC Housing Services Manager

- 4.9 Fully supports the application. The proposed development is the result of close working with Hambleton's Rural Housing Enabler (RHE), Broadacres, a very supportive Parish Council, a willing landowner and the local community. The scheme will make an important contribution towards meeting the Parish's current housing need which has tripled since our initial need study in 2010. We have now identified 73 local people in housing need who meet the local connection criteria for the Parish.
- 4.10 The number, tenure and house sizes proposed reflect the housing need analysis and the scheme has been designed in full consultation with the community following a number of community consultation events over the past 18 months. The RHE has also been involved in the preparation of a detailed community statement that has been submitted with the application. Through the involvement of Broadacres we are assured that the homes will be well managed in the future.

HDC Environmental Health

- 4.11 No objections to the above development. The site is bordered by existing residential housing and arable fields, no previous complaints have been received from neighbouring residential properties regarding noise, there has been one complaint of odour from farming operations close to the residential properties but this was not substantiated and does not have an impact on the suitability of the development.

HDC Senior Scientific Officer

- 4.12 No objections subject to conditions. The development site is on industrial land (agricultural) and is also adjacent to land identified as military land. Therefore, there is the potential for land contamination and unexploded ordnance to exist which could adversely affect the health of site workers and end users.

HDC Sustainable Development Officer

- 4.13 Good that a dry basin is provided for sustainable urban drainage, designed to encourage biodiversity and with input in the design from local school children.
- 4.14 Encourage to see the use of shared surface highway areas, which provides a community-type development.
- 4.15 Recommend that all driveways / access paths on the plots themselves are of gravel or some other permeable type of paving – indeed, if possible, that roadways themselves are of permeable paving, as long as any contamination from oil leaks etc. can be adequately treated.
- 4.16 Retention of existing hedgerows and woodland will increase the visual appeal and amenity to the residents. Planting should include native species, particularly flowering bee-friendly species, and fruit / nut producing trees / shrubs for local biodiversity and food, and so providing interest and resources to residents and wildlife.
- 4.17 Good to see the use of Code for Sustainable Homes Level 3 and its design features. Suggest that dwellings are orientated to face south in order to allow the potential

installation of solar panels (electric or hot water) and that consideration be given to fitting renewable energy technologies at the construction stage.

- 4.18 Good to see that the cycle sheds are designed to meet Sold Secure silver standard as a minimum to help ensure that bikes are secure and can be insured by the residents. Cycle sheds should be located such that they are as easily (if not more) accessible as cars on the driveway.

Environment Agency

- 4.19 This proposal falls outside the scope of issues the Environment Agency wish to be consulted on.

Yorkshire Water

- 4.20 Confirmed no observations.

Network Rail

- 4.21 Confirmed no observations.

Natural England

- 4.22 *Local sites* - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.
- 4.23 *Biodiversity enhancements* - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, Section 40 of the Natural Environment and Rural Communities Act (2006) states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 4.24 *Local Landscape* - This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Royal Air Force

- 4.25 Object very strongly to the use of Linton Meadows as a route in and out of the proposed site. Linton Meadows is occupied by Service personnel who play a major part in the daily running of Royal Air Force Linton-on-Ouse, in particular those employed on safety-critical duties such as Air Traffic Controllers. Due to the excessive noise and increase in traffic, this may have an impact on the rest period of these Service personnel. If rest periods are disturbed these personnel may temporarily not be employable, which then could have a

detrimental impact on the daily activities within the airfield and affect our mandated operational output.

- 4.26 Using Linton Meadows as a through road would also bring a risk to the security of the Service personnel and their families who occupy the Service Families Accommodation (there are 56 properties).
- 4.27 Due to Linton Meadows being a community area with many young families the speed limit is 20 mph. Have grave concerns that a heavy increase in traffic through Linton Meadows to and from the proposed site would put this reduced speed limit and the families at risk.
- 4.28 Royal Air Force Linton-on-Ouse request consideration is taken to provide an alternative route into the site and the final estate via the farmer's field adjacent to the proposed site.

Public Consultation

- 4.29 The application was advertised within local press, by site notice and directly to the neighbouring residents. 2 objections and 1 letter of concern have been received which are summarised as follows:
 - a) Loss of privacy to 36A Linton Meadows due to overlooking.
 - b) Overbearing impact on 36A Linton Meadows due to close proximity.
 - c) Potential disturbance to newly constructed boundary fence at 36A Linton Meadows.
 - d) A landscape buffer should be provided between existing properties on Linton Meadows and the proposed development.
 - e) Negative impact on property values.
 - f) Construction will last about a year and cause disturbance to residents working from home.
 - g) Loss of open aspect across open countryside.
 - h) Additional traffic generated will be a danger to children living nearby who currently play in the street.
 - i) Linton Meadows wasn't designed to accommodate additional traffic flows.
 - j) The condition of the road is poor in its current state, and is too narrow to safely allow for industrial vehicles to have regular access for the duration of the construction.
 - k) The cause overcrowding at the small village primary school.
 - l) The bus service is poor, infrequent and under threat. Therefore, no drivers will have difficulty accessing shops and other services.
 - m) Will have a detrimental impact on wildlife, including pheasants, rabbits and nesting birds.
 - n) Local residents are confused about development. Will they be occupied by the military or local residents?
 - o) On-street parking could have an impact on construction vehicles accessing the site safely.
 - p) Linton Meadows is a long straight road and encourages speeding.
 - q) Inadequate consultation with existing residents.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application are: the principle of development; local housing need; design and visual impact; sustainable construction; impact on ecology; drainage; public open space; neighbour amenity and highway safety.

Principle of Development

- 5.2 The site is a Greenfield site outside the 'Development Limits' of Linton-on-Ouse which is identified as a Secondary Village within the Settlement Hierarchy (Policy CP4). Policies CP4, DP8 and DP9 identify criteria for assessing development outside Development Limits. Policy CP9A relates specifically to rural exceptions sites.
- 5.3 Policy DP9 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. Furthermore, Policy CP4 stipulates 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...iii* it provides affordable housing which meets an identified local need...which cannot be met in a settlement within the hierarchy.
- 5.4 Policy CP9A supports small scale development, outside but adjacent to development limits of secondary villages, where 100% affordable housing is provided to meet an identified local need that cannot be met in a settlement within the settlement hierarchy. Proposals should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications.
- 5.5 This proposal is outside but immediately adjacent to Development Limits. The scheme is for 20 dwellings which is considered to be suitably small scale in relation to the scale of the existing settlement.
- 5.6 The Applicant's Statement of Community Involvement identifies the current local need within the Parish of Linton-on-Ouse. This need is in excess of the number of affordable units proposed. It is considered that there is clear evidence to indicate that there is a local need for affordable housing and that this proposal would help to meet that identified local need. The statement indicates a need for 2 and 3 bedroom properties which this application seeks to provide. The Housing Services Manager has confirmed in her response that the proposed number, tenure and house sizes reflect the housing need analysis. Consequently, the proposal is considered to be in line with the requirement of CP9A in terms of meeting an identified need, and associated guidance within the Affordable Housing SPD.
- 5.7 A number of sites were identified through a call for sites in Linton-on-Ouse but none were identified within Development Limits that were of a size that could accommodate a development of 20 units.
- 5.8 In this case the proposal presents an *exceptional case* for development outside Development Limits on the basis of meeting an identified *local need* which could not be met within the Development Limits of Linton-on-Ouse. The development is therefore in accordance with this element of Policies CP9A and CP4iii.
- 5.9 With regards to the provisions within Policy CP1 and CP2, it is considered that the proposed scheme would help to reduce social inequalities and disadvantages within the community by developing much needed affordable homes for local people, and would also help to enhance the vitality of the village in accordance with criterion vii.
- 5.10 In terms of reducing the need to travel, the Village Services update shows that there is a good range of facilities for a Secondary Village of its size, including a shop, part time post

office, pub, primary school, church, nursery and youth club, play area and there is a bus service that would enable travel to and from work at standard times.

- 5.11 No evidence had been submitted to suggest that there is insufficient capacity in the local infrastructure or that the development would generate an adverse traffic impact. In light of the above considerations, the proposed development is considered to comply with Policies CP1, CP2 and CP4.

Design & Layout

- 5.12 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 5.13 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 5.14 The Design and Access Statement states that:
- ‘...the proposed development features an informally arranged cluster of dwellings with frontage directly facing Linton Meadows thus providing a strong visual stop and containment, at the same time affording a sense of arrival. The theme of small informal clusters of dwelling threads throughout the development giving a strong sense of intimacy and community... The massing of the scheme has been carefully considered and is sympathetic to the locality. It has been of the utmost importance that the scale and proportion of the development sits comfortably with the surrounding context...’*
- 5.15 The Applicant's intention to deliver an intimate development arranged in clusters of dwellings which front onto shared surfaces is supported in principle. However, opportunities exist to further improve the site layout. For example, handing Plots 11 to 14 would provide natural surveillance over the proposed dry basin and would in turn provide enhanced security to the rear garden space of Plots 15 to 18. The site contains insufficient on-site public open space / children's play space. Various opportunities exist to address this particular issue. The Applicant's response to these design concerns is awaited.
- 5.16 A minimum density of 30 dwellings per hectare is no longer quoted within planning policy. Nonetheless, local planning authorities should have regard to: the characteristics of the area; the desirability of achieving high quality, well-designed housing and the current and future level and capacity of infrastructure, services and facilities. The proposed scheme equates to a density of 22.4 dwellings per hectare, which in the context of the site's village location and the nature of the accommodation proposed is not considered to represent over-development of the site.
- 5.17 The proposed house-types are considered to be of good design in accordance with the principles of the LDF and the NPPF. The proposed dwellings reflect the more traditional characteristics of Linton-on-Ouse yet meet modern aspirations whilst sufficient car parking and private amenity space would be provided.

Residential Amenity

- 5.18 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.
- 5.19 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.
- 5.20 The nearest neighbouring dwellings are 36A and 37 Linton Meadows, which both stand immediately adjacent to the southern boundary of the application site. The rear elevations of Plots 1 and 2 would be positioned approximately 10m away from the side elevation of 36A Linton Meadow which falls 4m short of the 14m separation distance usually expected. An objection has been received from the owner/occupier of 36A, which cites concern about loss of amenity due to overlooking and overbearing impact. Consequently, the currently layout fails to comply with Policy DP1.
- 5.21 Plots 19 & 20 are positioned directly adjacent to 37 Linton Meadow. The current layout shows an acceptable separation distance of approximately 6.6m between the mutual side elevations. A single first-floor window (serving a landing) would face directly onto the side elevation of 37 Linton Meadow. Consequently, no overlooking from habitable room windows would occur.
- 5.22 No other neighbour properties would be directly affected by the development other than by the additional vehicle movements generated and increased residential activity in general. In terms of additional vehicle movement, at an average of 6 or 7 vehicle movements per dwelling, per day, the proposed development will not result in constant or continuous traffic. There will be no continuous drone of traffic noise and speeds will be relatively slow whilst movements to dwellings usually drop significantly after 7pm and at weekends, at times when residents would normally and reasonably expect to enjoy a greater level of peace and quiet. Taking these factors in to account, although the impact from the additional traffic may at times be noticeable by residents, it will not result in a level of impact such that there will be a perceptible loss of amenity for residents either from noise, pollution, inconvenience and disturbance.
- 5.23 Construction vehicles are likely to enjoy unimpeded access along Linton Meadows and would only require access during normal working hours and for the period of construction (likely to be around 12 months). Construction and its associated vehicles movements will result in some disturbance to local residents but this would not be sustained disturbance. Nonetheless, it would be reasonable to apply a condition controlling working hours.

Highway Issues & Car Parking

- 5.24 The Local Highway Authority (LHA) does not object to the principle of the development but has requested various amendments. Amended plans are awaited.
- 5.25 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.”*

5.26 The proposed development contains 40 car parking spaces which equates to 2 parking spaces per dwelling. 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.

Sustainable Construction

5.27 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.

5.28 The proposed development incorporates some sustainable attributes in terms of the building design renewable energy and water saving elements with a view to achieving a minimum of ‘Code for Sustainable Homes’ level 3. It is recommended that a suitably worded condition be applied in order to secure a suitable scheme for onsite renewable energy generation.

Drainage & Flood Risk

5.29 Policy DP43 of the Development Policies DPD outlines the Council’s approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency’s flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.

5.30 A Flooding & Drainage Strategy produced by iD Civils Design has been submitted with the application. This Strategy confirms that the site lies within Flood Zone 1, and is considered at low risk of flooding. The site is not crossed by any watercourses; consequently there is low risk of fluvial flooding.

5.31 In terms of surface water drainage, it is known that there is a MOD 375mm diameter surface water sewer flowing through the site from the head of Linton Meadows to the watercourse to the north. It is further understood that the MOD is unwilling to grant a right of connection to this sewer. Consequently, the most sustainable option for draining the site is to utilize a dry basin in accordance with Yorkshire Water’s design guidance. The dry basin would be located adjacent to the watercourse at the lowest part of the site. Overland flood paths can be designed within the basin to direct flows away from the development and into the watercourse to the north east.

5.32 A foul pumping station is required to pump flows from the site into the nearest adopted combined sewer within Main Street to the west of the junction between Main Street and Linton Meadows. A pumping main will be required to pump flows from the site through the

arable field to the south and into the head of the adopted sewer in Main Street. This will be subject to approval by Yorkshire Water.

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

Ecology

- 5.34 Paragraphs 109 to 125 of the NPPF are concerned with the conservation and protection of the natural environment. In particular, paragraph 118 relates to ecology and biodiversity considerations when determining planning applications. Survey work and desk top studies have identified that those habitats on site are generally of low ecological value but have the potential to support nesting birds, reptiles, badgers and foraging bats.
- 5.35 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'.
- 5.36 Section 40 of the Natural Environment and Rural Communities Act (2006) states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 5.37 The proposed development site does not lie close to any Site of Special Scientific Interest (SSSI), Local Nature Reserve (LNR) or other statutory nature conservation site. Nonetheless, insufficient information (survey work, desktop studies etc.) has been provided to demonstrate that the proposed development will not harm existing habitats or species, e.g. nesting birds, badgers and foraging bats. In order to discharge the Council's duties, as detailed above, further information from the Applicant has been sought and is currently awaited.

Public Open Space

- 5.38 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.
- 5.39 The proposed layout does not incorporate a formal area of public open space. Amendments to site layout have been request to address this issue.
- 5.40 Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within the Easingwold Hinterland. The Council's sports and recreation priorities are contained in the Sport and Recreation Area Action Plan approved by Cabinet. A contribution of £55,130 is required in accordance with this policy.
- 5.41 The Applicant has offered to make a financial contribution £20,000 (£1,000 per dwelling) towards the provision and /or improvement of open space facilities within the Parish of Linton-on-Ouse. Justification for this reduced offer is awaited.

Education

- 5.42 Policy DP2 requires contributions from developers towards additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children (criterion v). The Local Education Authority's comments are awaited with regards to the need for a financial contribution towards additional school places.

6.0 SUMMARY

- 6.1 The proposed development presents an exceptional case for development outside Development Limits on the basis of meeting an identified local need which could not be met within the Development Limits of Linton-on-Ouse. The development is therefore in accordance with this element of Policies CP9A and CP4iii.
- 6.2 The proposed scheme would help to reduce social inequalities and disadvantages within the community by developing much needed affordable homes for local people, and would enhance the vitality of the village in accordance with criterion vii of Policy CP1.
- 6.3 Subject to the required amendments, the proposed development is considered to be of good design in accordance with the principles of the LDF and the NPPF. The proposed dwellings reflect the more traditional characteristics of Linton-on-Ouse yet meet modern aspirations whilst sufficient car parking and private amenity space would be provided.
- 6.4 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.

7.0 RECOMMENDATIONS

- 7.1 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be **GRANTED**, subject to the required amendments detailed within this report, and the conditions numbered below.
- details of road and footways (see paragraphs 4.5 to 4.7)
 - layout of the plots 11 to 14 and 15 to 18 (see paragraph 5.15)
 - layout of plot 1 as it relates to 36a Linton Meadows (see paragraph 5.20)
 - the submission of further information on ecology (see paragraph 5.37)
 - and the signing of a s.106 agreement covering contributions (to be agreed) towards public open space, sport and recreation facilities and education (see paragraphs 5.41 and 5.42)
- 7.2 The additional and amended details are not fundamental to the proposals and are considered to be capable of resolution by planning conditions and Members are requested to delegate the resolution of these issues to officers.

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 **TO BE INSERTED** received by Hambleton District Council on **TO BE INSERTED** 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

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

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

5. Boundary Treatment Construction

No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.

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

6. Landscaping Scheme

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

implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

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

7. 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.

8. Foul & Surface Water Drainage

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

Reason: To ensure that the development can be properly drained.

9. Construction Hours of Working

No construction work, including groundworks, shall be carried out except between 0700 hours and 2100 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.

Reason: In order to protect the amenity of local residents in accordance with Policy DP1 of the adopted Development Policies DPD.

10. Land Contamination 1

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 and British Standard BS10175:2011 Code of practice for investigation of potentially contaminated sites, 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.

11. Land Contamination 2

If unexploded ordnance (UXO) is found or suspected at any time during development all works shall cease and the LPA shall be notified in writing immediately. No further works shall be undertaken or the development occupied until a risk assessment carried out by an unexploded ordnance (UXO) risk assessment specialist has been submitted to and approved in writing by the LPA. Where risk mitigation is necessary a scheme for the mitigation of the UXO shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved risk mitigation scheme has been implemented and a verification report and clearance certificate 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.

12. Highway Conditions to be added

13. Ecological mitigation to be added

Parish: Thrintoft
Ward: Morton On Swale

Committee Date : 5 December 2013
Officer dealing : Miss A J Peel
Target Date: 4 December 2013

3

13/02125/FUL

Revised application for demolition of existing bungalow and construction of a replacement dwelling, detached domestic garage and new vehicular access. at Glencoe Thrintoft North Yorkshire DL7 0PL for Mr & Mrs P Dixon.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This revised application seeks consent for the demolition of an existing bungalow and for the construction of a replacement dwelling, detached garage and alterations to an existing vehicular access. The height of the dwelling will increase by approximately 1.7 metres and will replace an existing bungalow with a detached two storey dwelling. The proposed dwelling includes a sitting room, drawing room, study, orangery, kitchen and utility room at ground floor level with three bedrooms, 2 en-suites and a house bathroom at first floor level. The main section of the dwelling is two storey, with a single storey section to the east (side) elevation and two single storey sections and a 1½ storey section to the north (rear) elevation. The detached garage has been amended due to concerns over its scale and domestic appearance. The revised garage measures approximately 7.4 metres x 6.2 metres with a height of 5.2 metres.

1.2 The dwelling is sited on a fairly large plot at the south eastern end of the village. It is located on an elevated position and there are varying levels within the site. It is surrounded by extensive landscaping and the existing vehicular access has poor visibility. The application proposes to improve the access by re-positioning the driveway, providing a turning area and removing a 12 metre section of the landscaping along the highway and setting back the hedge behind the new visibility splay.

2.0 RELEVANT PLANNING HISTORY

2.1 13/01395/FUL - Demolition of existing bungalow and construction of a replacement dwelling, detached domestic garage and new vehicular access (as amended). Refused 27 August 2013.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP9 - Development outside Development Limits
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - Concerns remain about the height of the planned building because of the elevation of the site. Residents have suggested that the builder should lower the site if the height of the building is to be as requested, received 30 October 2013.

4.2 NYCC Highways - No objections, conditions recommended, received 23 October 2013.

4.3 Yorkshire Water - Based on information submitted, no comments are required from Yorkshire Water (noted from details that foul water only is being drained to public foul sewer network, with surface water to soakaway - Satisfactory), received 16 October 2013.

4.4 Environment Agency - We will not be providing detailed site-specific advice or comments regarding groundwater issues for this site. We recommend that the developer addresses risks to controlled waters at the site, following the requirements of the National Planning Policy Framework and the Environment Agency 'Guiding Principles for Land Contamination', received 11 October 2013.

4.5 North Yorkshire Building Control Partnership - No response, expiry 30 October 2013.

4.6 Neighbours consulted and site notice posted - The following comments have been submitted from the nearby neighbours;

- a) Condition of existing building, could be refurbishment.
- b) Design, scale and height of the proposed dwelling.
- c) Intrusive feature within the village due to elevated site.
- d) Overlooking and impact on privacy.
- e) Loss of landscaping/ landscaping scheme.
- f) Impact on bats/birds.
- g) Proposal should not over dominate the existing properties.
- h) The garage is too large.
- i) Visibility at the access will not be improved.
- j) Suggest excavating the site.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of the development in this location, the effect of the development on the character and appearance of the surroundings, the impact on the amenity of local residents, and highway safety issues.

5.2 A new dwelling outside the approved settlement hierarchy is not normally considered sustainable and would be contrary to the general terms of the CP1, CP4 and DP9 of the Local Development Framework. However, in circumstances where there is an existing dwelling in poor condition it is reasonable to consider an appropriate replacement, if that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. The existing dwelling is a detached bungalow with little architectural merit. The design and access statement confirms that the dwelling requires a complete refurbishment and the dwelling has crumbling brickwork, rising damp and aluminium windows, all of which need replacing. It is considered that the existing dwelling is of poor standard and needs significant levels of work to bring the dwelling up to current standards of heating and energy efficiency. It is considered that the application is acceptable in principle and complies with Policies CP1, CP4 and DP9.

5.3 The proposal is for a two storey dwelling and the site is in a prominent and elevated position at the south eastern end of the village. There is concern that the dwelling, due to the changes in design and height, would appear overly large and dominant compared to the neighbouring

properties in the village. A topographical survey showing the existing ground levels, finished floor levels and ridge levels in relation to the neighbouring properties has been supplied, and the proposed ground, finished floor levels and ridge levels for the development have been submitted to support this application. The levels relate to a fixed Ordnance Datum. The site has varying levels, at the highest point the ridge level of the existing building is shown to be +44.83, the proposed is +46.40. The ground levels throughout the village vary significantly, rising towards the south west. The topographical survey shows a variety of ridge levels throughout the village, the lowest at approximately +38.86 and the highest at +48.61. Whilst the ridge level of the proposed dwelling will be higher than the existing unit it will not appear excessively high compared to the neighbouring dwellings throughout the village. Hence, it is considered that it will not have an unacceptable impact upon the surroundings. Nevertheless, it has been suggested to the applicant that the site is excavated to reduce the scale of the building further and alleviate some concerns raised by the nearby neighbours, a condition can be imposed to control the height above Ordnance datum.

5.4 The dwelling is traditional in appearance and considered to be of good design. It will be constructed of brickwork, pantiles and timber windows and doors, this is appropriate for the character of the village and the external materials can be controlled by condition. The proposed dwelling is larger than the existing bungalow but it reflects the scale of nearby buildings and does not appear out of character with the village. The proposed garage is considered to be appropriate in terms of scale, materials and design and the Highway Authority has suggested a condition to prevent the garage being converted into domestic living accommodation without the granting of planning permission. Any alternative use of the garage would be considered separately from this application.

5.5 The nearest dwelling, Gable End, is approximately 30 metres from the proposed dwellinghouse. This exceeds the general guideline of 21 metres between facing principal elevations of neighbouring dwellings. Furthermore, there is landscaping along the north west boundary of the site which will be retained and will offer some screening of the development, particularly the garage in the north west corner of the site. It is considered that the proposed dwelling will be a sufficient distance to avoid significant impact upon the amenities of the nearby neighbours.

5.6 NYCC Highways have no objections to the proposal. The existing access has poor visibility and it is considered that the removal of a small section of hedgerow and the formation of a new driveway and turning area would improve highway safety. A neighbour disputes this advice from the Highway Authority that the visibility will be improved but it is noted that the development, even if it did not improve visibility, would not impinge on highway safety.

5.7 The site is heavily landscaped and screens much of the existing dwelling. The application proposes the removal of a section of hedge along the roadside boundary and the Leylandii trees within the site. These trees are in poor condition and their removal is considered appropriate. The fence along the roadside boundary will be replaced and the deadwood removed from the remaining landscaping and the landscaping replaced where necessary. The existing Beech hedge along the south east and south west boundaries will be retained. It is considered that the landscaping scheme will improve the appearance of the site by removing the inappropriate Leylandii and improving the landscaping along the roadside boundary.

SUMMARY

The proposed development will not adversely affect the appearance of the surrounding area, the amenity of local residents and highway safety. It is considered that the proposed development is in accordance with the above LDF Policies.

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 representations that 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.

7.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. 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.
4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The details of the access shall have been approved in writing by the Local Planning Authority.
 - (ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iii) The final surfacing of any private access and parking area within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number:
 - (i) have been constructed in accordance with the submitted drawing (Reference PMD/SP1 and PMD/SP2)
 - (ii) are available for use unless otherwise approved in writing by the Local Planning Authority.Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing PMD/SP2. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. 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.

8. 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.

9. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PMSL1, PMD/PS1, ASS 1486-02, PMD/D1, PMD/D3, PMD/D4, PMD/D5 and PMD/D6 received by Hambleton District Council on 9th October 2013 unless otherwise approved in writing by the Local Planning Authority.

10. The development shall not be undertaken other than in accordance with the details of finished floor and ridge levels above Ordnance Datum that have previously been submitted to and approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In the interests of highway safety.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16, DP30, CP17, DP32 and DP33.
10. In order to ensure that the development is undertaken in a manner that is consistent with the details considered to have an acceptable impact upon the character and appearance of the landscape, in accordance with Local Development Framework Policies CP17 and DP32.

Parish: Northallerton
Ward: Northallerton North
4

Committee Date: 05 December 2013
Officer dealing: Mr Jonathan Saddington
Target Date: 19 December 2013

13/01956/FUL

Construction of 241 dwellings and associated works as amended by plans received by Hambleton District Council on 19th November 2013 at the Former York Trailers site, Yafforth Road, Northallerton for David Wilson Homes Yorkshire (East) Division

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Planning permission was granted in December 2011 for the construction of 283 dwellings at the former York Trailers site on Yafforth Road, Northallerton (ref: 09/00795/FUL).
- 1.2 Following a change of developer (Yuill Homes & Taylor Wimpey to David Wilson Homes), permission was granted in May 2013 to amend the external appearance of the 283 dwellings previously approved (ref: 12/01521/MRC). The access, siting, scale and on-site public open space remained as previously approved.
- 1.3 Full planning permission is now sought (by David Wilson Homes) to construct 241 dwellings (45 less than previously approved), which results in a revised layout and schedule of housetypes. The proposed reduction in numbers is due to an increase in the proportion of large detached dwellings, the difficulty in achieving a higher density in the south west corner of the site due to contours there, and in order to improve on the limited amenity space that was provided for some dwellings on previous layouts. The main access, via a new four-legged roundabout on Yafforth Road, remains as previously approved.
- 1.4 The proposed dwellings are predominately two-storeys in height (with some 3 storey units, including some with the upper floor within the roof space) and would provide a mix of 2, 3, 4 and 5 bedroom dwellings in terraced, semi-detached and detached form, all with private amenity space.
- 1.5 Although the house type drawings submitted show facing brickwork elevations, it is proposed that detailing of materials and colours on individual plots and within the streetscene are agreed separately. Render could be used instead of facing brick, where it is considered appropriate.
- 1.6 Two significant areas of open space are provided within the site, one centrally located and the other on the southern boundary of the site, which would be linked by a green corridor. It is proposed that part of the open space provision will be usable for recreation purposes, enclosed by decorative railings and with traffic calming nearby. Open spaces would act as key focal points within the development.
- 1.7 As per the previous application, dwellings along the western boundary have been set back a minimum of 30m from the nearest part of the adjacent East Coast Main Line. There would be a 10m wide acoustic bund along the full length of this side which would have tree and shrub planting to the landscape architects and acoustic engineers' specification. An upgrade to the glazing of the dwellings along this boundary is proposed.

- 1.8 An assessment of the existing pedestrian linkages has been conducted and improvement works are proposed. There is a public footpath running from Castle Hills (on the southern edge of the site) to the town centre which will need to be improved. Working drawings and costings have been provided. However due to land ownership complexities, delivery of the scheme would rest with the developer and NYCC. This position was acknowledged in the determination and subsequent granting of planning permission for the previous applications.
- 1.9 A detailed Landscaping Strategy setting out the general principles for the development has been submitted in support of the application. Other supporting documents include: a Planning Statement, Sustainability Appraisal, Design & Access Statement, Flood Risk Assessment & Drainage Strategy, Affordable Housing Form, Noise Assessment, Geoenvironmental Statement, Remediation Strategy and Phase 1 Habitat Survey.
- 1.10 The former York Trailers site comprises some 9.4 hectares of land located close to the eastern periphery of the town. Formerly used for employment purposes, the site has been largely vacant for over eight years and contained a large concrete hardstanding, which has been broken up to facilitate redevelopment. The site used to contain a range of semi-derelict steel portal industrial buildings and a related two-storey office building which were demolished around two years ago. The application site covers 8.1ha of the total site area as the remaining area, at the north east corner of the site, has been omitted with a view to its subsequent development for employment purposes, as proposed within the Allocations DPD.
- 1.11 The site is bound to the north by Yafforth Road, beyond which land uses are exclusively industrial and commercial. Further commercial development stands to the east whilst the East Coast Main Line railway runs the length of the site's western boundary. A public footpath runs along the southern boundary in an east to west direction, beyond which the Castle Hills site comprises mainly agricultural grazing land.

2.0 RELEVANT PLANNING HISTORY

- 2.1 07/03910/SCR - Request for formal screening opinion for a proposed development (EIA not required – decision made on 21.01.08)
- 2.2 08/00179/FUL - Two planning applications were submitted in April 2008 for the construction of 331 dwellings and associated infrastructure (Withdrawn 28.05.08)
- 2.3 08/00182/OUT - Outline application for the construction of 150 dwellings at Castle Hills (adjacent site) (Withdrawn 28.05.08)
- 2.4 09/00795/FUL - Revised application for the layout of land and construction of 283 dwellings, associated garages and landscaping (Granted on 13.12.2011)
- 2.5 12/01521/MRC - Application to vary condition 2 of planning approval 09/00795/FUL to amend the design of the 283 dwellings (Granted on 01.05.2013)

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies within the Development Plan and National Policies 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.
- 3.3 The application site is located within Development Limits of Northallerton and is allocated for housing within the adopted Allocations DPD as Policy NH1. Therefore, the relevant policies of the Development Plan and supplementary planning policy advice are as follows:

Core Strategy Development Plan Document – Adopted April 2007

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

Development Policies Development Plan Document – Adopted February 2008

Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP11 - Phasing of housing
Development Policies DP12 - Delivering housing on "brownfield" land
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

NH1 - York Trailers, Yafforth Road, Northallerton

Other Relevant Documents

Affordable Housing SPD

4.0 CONSULTATIONS

Northallerton Town Council

- 4.1 The Town Council does not support three-storey dwellings and considers a Travel Plan to be essential due to the nearby Low Gates Level Crossing.

NYCC Highways

- 4.2 No objections subject to conditions.

NYCC Public Rights of Way Officer

- 4.3 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.
- 4.4 Applicants are advised to contact the County Council's Access and Public Rights of Way Manager to obtain up-to-date information regarding the line of the route of the public right of way. The Applicant should discuss with the Highway Authority any proposals for altering the route.

NYCC Historic Environment Team

- 4.5 Northern Archaeological Associates undertook a programme of archaeological trial trenching in 2007 over the area to the north east and to the south of the proposed development site. The area to the south found evidence of buried archaeological remains associated with the visible earthworks of the motte and bailey castle to the north and North West of Castle Hills Farm.
- 4.6 The degree of previous development on the proposed development site would suggest that survival of significant archaeological remains would be unlikely for the majority of the site. However, the area along the southern part of the proposed development site has remained relatively undeveloped and there is the potential for previously unrecorded archaeological remains or finds to be encountered during construction works. Furthermore, the southern area lies less than 10m from the surviving earthworks of Castle Hills. Note from the plans submitted with the application that the development is planned to be hard against the southern boundary.
- 4.7 As previously advised in 2008, it is therefore recommended that the design of the proposal should be reconsidered along the southern boundary, to leave a buffer between the development and the earthworks of the motte and bailey castle to the south. This increase in open space would provide a more sympathetic approach to the southern boundary, and would decrease the potential risk of disturbing archaeological remains associated with the earthworks.
- 4.8 If redesigning the housing development is not accommodated within the plans, then it is advised that evaluation in the form of a programme of trial trenching should be undertaken in advance of groundworks in the southern area to ascertain the presence (or absence) of archaeological remains. The results of this work would clarify the extent and character of any surviving archaeological remains, and thus assess the archaeological impact of the

proposed development. This is in accordance with the National Planning Policy Framework, paragraph 128.

- 4.9 Expect to see all archaeological evaluation undertaken pre-determination. The results of the trial trenching will assist in identifying a suitable mitigation strategy, should archaeological deposits be encountered.

HDC Environmental Health Officer

- 4.10 No objections to the proposed development. Consideration has been given to the main noise sources from the East Coast Main Line railway and from traffic noise from Yafforth Road, which could affect the amenities of potential residents.
- 4.11 Although a noise impact assessment has been submitted with details of sound attenuation measures to be installed this has not taken into account internal noise levels with windows open.
- 4.12 During warm weather residents are likely to keep windows open throughout the day as well as in the evening. Looking at the noise data, having the windows open would result in unacceptable internal noise levels which would wake sleeping residents. In the interests of amenity and to minimise our concerns I would advise that sound attenuating mechanical ventilation be installed to remove the need for residents to open their windows during hot weather. Details of the mechanical ventilation to be installed including full technical specifications should be submitted to and agreed in writing by the Local Planning Authority.
- 4.13 The sound attenuation scheme detailed on page 5 of The Noise Impact Assessment (dated 10th September 2013) along with details of the mechanical ventilation shall be implemented and installed before the occupation of the residential accommodation, and shall thereafter be retained.

Environment Agency

- 4.14 No objections to this development. The Flood Risk Assessment states that surface water is to be discharged to public sewer, restricted to the run-off rate from a 1 in 1 year storm less 30%. As such, surface water drainage must be agreed with Yorkshire Water and Hambleton District Council before development commences.

Yorkshire Water

- 4.15 No objections subject to conditions relating to surface and foul water drainage.
- 4.16 The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site. The Developer is advised to contact the Environment Agency / Local Land Drainage Authority with a view to establishing a suitable watercourse for discharge. The submitted Flood Risk Assessment (prepared by Egorum) is satisfactory from Yorkshire Water's viewpoint. The report confirms that sub-soil conditions do not support the use of soakaways, and a watercourse exists near to the site. Surface water is proposed to public surface water sewer, via storage, with a restricted discharge rate (calculations not yet agreed). For information, statutory sewer map indicates the 375mm surface water sewer in Yafforth Road discharges to watercourse (Willow Bridge).

British Transport Police

- 4.17 The proposed estate is not only adjacent to the East Coast Mainline but also near existing foot crossings.
- 4.18 This site was the subject of a similar plan in 2009 and the concerns we raised then remain very much the same. Essentially foot crossings that are currently fairly quiet will become much busier and potentially attract more young people. The East Coast Mainline is one of the fastest and busiest lines in the country and so any failure by a member of the public to follow the correct procedure at one of these crossings has potentially fatal implications.
- 4.19 It does not appear to be possible to close such a well-established crossing entirely and the BTP's recommendations are as follows.
- Replacing the foot crossing with a bridge would be a major project but would reduce the risk of accidents. In this situation I think it is worth consideration.
 - Should a bridge not be considered possible then upgrading the crossings with flashing lights etc. is an alternative.
 - Any paths between the estate and the crossings to be well lit and have no blind corners / bends.
 - Any fencing along paths to be welded wire mesh or similar type able to get clear views through.
 - Any vegetation along the path to be kept below one metre in height to ensure good visibility throughout.
 - Fencing to be upgraded along the entire stretch behind gardens etc. to discourage any form of trespass. Network Rail has covered the issue of fencing in detail in their response and we concur with their suggestions.
 - CCTV to be in place at the crossings.
 - Lighting to be upgraded at the crossings.
 - The developers to work with Network Rail at all stages and to consider the way in which the development could impact on the railway at every stage of the process.
- 4.20 These recommendations are only possible if the Developers and Network Rail work together to ensure the safest possible solution to the problem of having such a large estate so close to such a dangerous section of railway line.

Network Rail

- 4.21 Comments awaited.

Police Architectural Liaison Officer

- 4.22 This latest application is a vast improvement on the previous site layout. I note that there has been 9 rear parking courtyards removed. This will significantly reduce the opportunity for crime because there will be more vehicles parked within the curtilage of the home, and as such can be protected by both physical and electronic means.
- 4.23 Because of the improvement of this new housing layout I would strongly invite the Applicant to make a formal approach to me for full Secured By Design which should include both Section 1 (layout), and Section 2 (standards for doors and windows). To complete Section 1 it would be required to have 1.8m high gates to the side of the houses securing the rear gardens and 1.8m high rear fencing as well as estate lighting to BS5489.
- 4.24 Note that the high speed East Coast Main Line runs adjacent to this estate. The trains on this line travel at speeds in excess of 100mph. Trains at this speed have little or no noise preceding them to warn anyone crossing the line that a train is approaching.

- 4.25 Note that there is an unmanned pedestrian crossing immediately to the south of this estate served by a footpath. This footpath is linked to this estate. Very concerned that children from the estate will walk to this footpath and along a short distance to the East Coast Main Line Railway. At this point there is only a stile which has to be crossed to give direct access onto this railway. The East Coast trains travel at over 100mph and there is only seconds from viewing these trains to when they actually pass the crossing. This can be complicated by trains travelling in opposite directions in the immediate vicinity.
- 4.26 As this estate will have 241 houses built here, there will be a considerable number of children within easy reach of this crossing and the dangers that presents.
- 4.27 Recommend that due to the very real danger of this railway line that the suggested footpath from the south of this estate is not connected to the existing footpath but that to reach the town centre of Northallerton that an alternative footpath is taken out from the east side of the estate, if that can be achieved.
- 4.28 If this can be achieved I would also suggest that the type of fence along the southern boundary, adjacent to this footpath is upgraded so that the fence cannot be damaged in order to give a hole through it allowing an unofficial right of way onto this footpath.
- 4.29 There are many crimes that occur during the construction phase of building; especially if the construction phase is lengthy and the site large. Common crimes include theft of plant equipment, materials, tools and diesel fuel.
- 4.30 Recommend that adequate security is 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.
- 4.31 There should be a dedicated secure area in which contractors can park their vehicles, which may have a significant value of tools stored in them when the contractor is working on site. Theft from such vehicles in these circumstances is not uncommon and should be addressed.

HDC Sustainable Development Officer

- 4.32 Good that the proposed main access road stops quickly. The pedestrian avenue should create a pleasant walking route towards town, hence making sustainable means of travel easier.
- 4.33 The central pedestrian avenue route should also include a separate cycle route for those who wish to travel faster / further. The many “roundabouts” in the path would obscure the view of the path and cause safety concerns regarding its use by cyclists travelling at any reasonable speed, hence it is best to keep the two separate. Any such path should have clear and structurally designed right of way over roads it crosses to avoid collisions with vehicles and demonstrate priority for more sustainable transport.
- 4.34 To maximise use of this central pedestrian & cycle avenue (for both safety and sustainability), it is important to ensure there is adequate access to this thoroughfare from all the adjoining roads / housing areas. The current plan shows beech hedging / railings preventing such access, which severely limits the number of homes it usefully serves.
- 4.35 Similar access points are needed for the park area at the south of the site. It is stated in the public open space landscape proposal plans that trees have been located to allow for

overlooking of the park, but children who live in these overlooking houses cannot, in the current plans, get direct access to the park.

- 4.36 Suggest low energy lighting, designed for maximum downward directional light to limit light pollution, and part-nighting i.e. turning off these lights between 1am and 6am when no pedestrians are likely to be present, to reduce light pollution to adjacent houses as well as to reduce energy need of the development.
- 4.37 Black Poplar is a locally significant tree type. Encourage its retention and preferably addition of new specimens to planting schemes. Would also like to see more variety in the planting scheme: rather than blocks of beech, hedges could perhaps include elder, hawthorn, blackthorn etc., all being suitable for hedging, perhaps with the inclusion of taller tree species to break up the uniformity of the height. Would particularly welcome the inclusion of fruit and nut bearing trees to provide food both for wildlife and berry / nut / fruit picking opportunities as free local food for residents of the new development.
- 4.38 It would be good if driveways, paths etc. were surfaced with permeable paving of some type, be that blocks or grasscrete, the latter providing a greener and more appealing street aspect as well as infiltration of run-off water where possible and a reduction of the impermeable area to be drained provided by all types of permeable paving.
- 4.39 Foul drainage is mentioned, but connected with this, all units built should be fitted with water use minimisation systems such as low flow taps, showers and toilets; reduced volume baths; high water and energy efficiency white goods (if these are to be installed, otherwise provide information to householders advising to (and how to) buy the most energy & water efficient white goods; water butts should be installed as standard on downpipes for outdoor water use in gardens, washing cars etc. and to reduce the volume of run-off from roofs.

Publicity

- 4.40 The application was advertised within local press, by site notice and directly to the neighbouring residents. One objection has been received, which criticises the amount of affordable housing proposed, the absence of a SUDS system and accuracy of the Block Plan and Ordnance Survey Plan supplied by the Applicant.

5.0 OBSERVATIONS

- 5.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces all the previous national planning policy guidance notes.
- 5.2 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through the planning system. For decision taking, this means approving development proposals that accord with the Development Plan without delay.
- 5.3 To this end, the application site is allocated within the adopted Allocations Development Plan Document as Policy NH1. This site is allocated for housing development in Phase 1 (up to 2016) subject to: a density of approximately 40 dph resulting in an indicative capacity of around 300 dwellings (of which a target of 40% should be affordable, subject to viability); the type and tenure of housing meeting latest evidence on local needs; contributions from the developer towards providing inter alia additional primary school places, improvements to the local footpath and cycleway network, provision of public open space, the North Northallerton Link Road; public transport; local health care facilities; drainage and

sewerage infrastructure; and suitable access, landscaping, noise and screening alongside the railway line.

- 5.4 Consequently, the principle of residential development accords with the Development Plan and the NPPF and should therefore be granted without delay subject to general compliance with other core planning principles and policies. Issues such as surface water drainage, noise insulation and pedestrian access raised by consultees therefore need to be addressed in the best manner possible, taking account of viability.
- 5.5 The current proposal for 241 falls some 59 units short of the 300 indicative capacity within the Allocations DPD. The reduction in numbers is due to an increase in the proportion of larger detached dwellings, the difficulty in achieving a higher density in the south west corner of the site due to contours there, and in order to improve on the limited amenity space that was provided for some dwellings on previous layouts.
- 5.6 The new layout demonstrates a deliverable scheme, which provides a gross density of around 30 dwellings per hectare. Whilst this density is a quarter lower than the LDF allocation, it arises for the reasons described above and when those factors are taken into account it is considered to represent an efficient use of land that would result in a considerably improved design and layout. The new layout ensures that adequate separation distances are provided internally and responds appropriately to the opportunities and constraints presented by the site. The layout provides an improved range of accommodation and helps to create a mixed and balanced community. Consequently, no objection is raised to the proposed reduction in housing numbers.
- 5.7 The external appearance of the proposed house types represents a modern interpretation of traditional dwellings with subtle architectural detailing including: dentil courses, brick on edge lintels, bay windows, six panel front doors, ornamental door surrounds, chimneys and dormer windows. In addition, the three-storey house types are no taller or greater in number than those previously approved.
- 5.8 The original plan showed two four-storey apartment blocks either side of the site's entrance on Yafforth Road. The Design & Access Statement explains the Applicant's rationale of providing a gateway feature that mirrors the scale and proportions of "The Mount" Care Home located on the opposite side of Yafforth Road. Whilst the principle of a gateway feature is supported, concerns were expressed about the scale and massing of these blocks. In response, the Applicant has reduced the number of apartments by 6 units, which allows both apartment blocks to be reduced in height to a maximum of three-storeys. This amended scheme more appropriately reflects the scale and character of residential development in Northallerton.
- 5.9 Matters relating to highway safety and capacity, footpaths and cycleway provision, neighbour amenity, biodiversity, trees, relationship with the railway, noise and developer contributions remain as reported within the original report to Planning Committee in September 2010. Circumstances have not changed sufficiently during the intervening period to lead to a different conclusion concerning these matters. However, consideration should be given to the proposed amount of affordable housing proposed, which has been reduced from 18.78% to 15% and the amount of layout of public open space.
- 5.10 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.

- 5.11 Criterion i) of Policy NH1 of the adopted Allocations Development Plan Document stipulates that the development should be "...at a density of approximately 40 dwellings per hectare, resulting in a capacity of around 300 dwellings (of which a target of 40% should be affordable." Policy NH1 reflects Policy CP9 of the adopted Core Strategy which requires developments of 15 dwellings or more (or sites of 0.5ha or more) within Northallerton to make provision for 40% affordable housing (subject to viability).
- 5.12 The original planning permission (ref: 09/00795/FUL) was granted on the basis of 18.7% affordable housing (53 units), which followed a detailed review of the Applicant's Viability Appraisal by the District Valuer. Abnormal costs relating to site preparation, including the removal of existing buildings and hardstandings and the remediation of substantial contamination, were cited justification for the reduced amount of affordable housing and other developer contributions.
- 5.13 The following application ref: 12/01521/MRC to amend the design of the 283 dwellings was subsequently granted on the basis of 18.7% affordable housing and the same level of developer contributions towards off-site public open space, education and the North Northallerton Link Road.
- 5.14 Due to the reduced number of dwellings (283 to 241) and the substantial design improvements proposed, the current application proposes to reduce the amount of affordable housing from 18.7% to 15% (36 units). The application originally proposed 18.7% but the loss of 6 units in order to reduce the height of the gateway blocks has forced the applicant to reduce the offer to 15% on viability grounds.
- 5.15 The Applicant's 'Economic Viability Appraisal' has been reviewed by the Council's Consultant Surveyor, who advises that the 15% offer is acceptable. In summary, the financial position is better than it was in 2010 when the original planning permission was granted. However, changes in planning practice since 2010 (relating to land value and developer's profit) mean that 15% affordable provision is appropriate in this case.
- 5.16 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 submitted.

6.0 CONCLUSION

- 6.1 The principle of development has been established as the site is allocated for residential development within the submitted LDF Allocations Development Plan Document as Policy NH1 and planning permission for 283 dwellings has previously been granted. The site is previously developed and is within a sustainable location in relation to Northallerton Town Centre and the proximity of local services.
- 6.2 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.
- 6.3 Subject to the satisfactory resolution of viability matters in relation to affordable housing provision and the signing of a s.106 covering affordable housing and developer contributions towards off-site public open space, education and the North Northallerton Link Road, the proposed development is considered to be acceptable and accords with the aims of National Planning Policy Framework and the adopted Hambleton Local Development Framework.

7.0 **RECOMMENDATION**

GRANTED subject to the following conditions:-

1. **Commencement**

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

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

2. **Approved Plans**

The development hereby approved shall be in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority.

Description	Reference Number	Date on Plan
To be added	To be added	To be added

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 Walls**

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

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.

5. **Boundary Walls Construction**

No dwelling shall be occupied until the boundary walls, fences and other means of enclosure relating to it have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

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

6. Landscaping Scheme

Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, means of enclosure, public art and play equipment to be installed within the pocket parks and the green route (as defined within the Design and Access Statement received by Hambleton District Council on 16 September 2013), timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented and maintained thereafter in accordance with the approved details.

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

7. Secured By Design

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

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

8. Sustainable Construction

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

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

9. 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.

10. 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.

11. Surface Water Drainage

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

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

12. Foul Water Drainage

No development shall take place until details of the proposed means of disposal of foul drainage together with a timetable for its implementation have been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented and maintained in accordance with the approved details.

Reason: To ensure that the development can be properly drained.

13. No Piped Discharge of Surface Water

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 no foul or surface water discharges take place until proper provision has been made for their disposal.

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 validation 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 CP21

15. Noise - Mitigation

Prior to occupation of the each dwelling, the sound attenuation scheme detailed on page 5 of The Noise Impact Assessment (dated 10th September 2013) along with details of the mechanical ventilation, shall be installed and thereafter retained within the proposed dwellings.

Reason: To safeguard the amenity of the future residents in accordance with the aims of Policy DP1 of the Hambleton Local Development Framework.

16. Footpath Link

No development shall commence until a scheme for the delivery of a hard-surfaced footway and cycle-path link from the southern boundary of the application site to Northallerton Town Centre via Cherrycroft Bridge has been submitted to and approved in writing by the Local Planning Authority. No more than 50 dwellings shall be occupied until the approved scheme (subject to any temporary provisions) has been implemented in accordance with the approved details, that part of the route within the application site shall be made available and kept available thereafter.

Reason: In order to improve accessibility to the site and increase opportunities for sustainable forms of transport to and from the site in accordance with CP1, CP2, DP3 and DP4.

17. PROW Level Crossing – Risk Assessment & Mitigation

Prior to occupation of the first dwelling, a full risk assessment of the impact of the development hereby approved upon the public right of way level crossing with the East Coast Mainline. Any mitigation measures identified within the risk assessment shall be implemented and maintained in accordance with the approved details prior to occupation of the first dwelling.

Reason: To safeguard the amenity of the future residents and other users of the PROW level crossing in accordance with the aims of Policies CP1, CP2, DP1, DP3 and DP4 of the Hambleton Local Development Framework.

18. Ecology – Mitigation

Prior to the development commencing, an Ecological Management Plan detailing measures to protect existing habitats and deliver biodiversity gain shall be 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: In order to protect and enhance biodiversity in accordance with PPS9 and Policies CP16 and DP31 of the Hambleton Local Development Framework.

19. Retained Trees

No retained trees, as identified within the Arboricultural Report produced by White Young Green dated June 2007, shall be cut down, uprooted or destroyed, nor shall any retained

tree be the subject of any form of tree surgery other than in accordance with the approved Arboricultural Report, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with the British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.

20. External Lighting

No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

Reason: In order to ensure the unhindered operation of the adjacent East Coast Mainline.

21. Highways Conditions

TO BE ADDED

APPENDIX ONE
09/00795/FUL –
PLANNING COMMITTEE REPORT
SEPTEMBER 2010

PREVIOUS REPORT

09/00795/FUL

Revised application for the layout of land and construction of 283 dwellings, associated garages and landscaping at The Former York Trailers Site, Yafforth Road, Northallerton for Yuill Homes & Taylor Wimpey UK Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Members will recall that two planning applications were submitted in April 2008 for the construction of 331 dwellings and associated infrastructure on the former York Trailers site (ref: 08/00179/FUL) and 150 dwellings on the adjoining Castle Hills site (ref: 08/00182/OUT). Both applications were subsequently withdrawn by the applicant in May 2008 as the Council had indicated it was unlikely to include Castle Hills as a site for housing development within the Allocations Development Plan Document (DPD).
- 1.2 Full planning permission is now sought to construct 283 dwellings, garages and associated infrastructure works at the former York Trailers site on Yafforth Road, Northallerton. The applicants have chosen not to pursue an application on the Castle Hills site, following its deletion from the Allocations DPD.
- 1.3 The proposed development involves a mixture of two, two and a half and three storey houses across the site. Unusually, there are 5 one-bedroomed houses in a mews arrangement. There are 3 individual flats over separate garage blocks, but no apartments otherwise. The houses are detached, semi-detached or terraced dependant on their location which generates a mixed variety of shape to the streetscene. All of the houses have private outdoor space to the rear of properties.
- 1.4 Although the house type drawings submitted are showing facing brickwork elevations, it is proposed that detailing of materials and colours on individual plots and within the streetscene will be agreed separately. This means that render could be used instead of facing brick, where it is considered appropriate.
- 1.5 The main spine road will be blacktop construction with footpaths the same. The 'squares' will utilise block paving or similar in a variety of colours to give identity to the space. The secondary mews areas and lanes will be finished with a contrasting material. Again, full details of materials/colours to be used will be agreed separately.
- 1.6 Two significant areas of open space are provided in the centre of the site, linked by green corridor of varying width. It is proposed that part of the open space provision will be usable for recreation purposes, enclosed by decorative railings and with traffic calming nearby, as well as providing one focal point to the development.
- 1.7 Dwellings along the western boundary have been set back a minimum of 30m from the nearest railway line. There will be a 10m wide acoustic bund along the full length of this side which would have tree and shrub planting to the landscape architects / acoustic

engineers' specification. An upgrade to the glazing of the dwellings along this boundary is proposed.

- 1.8 An assessment of the existing pedestrian linkages has been conducted and improvement works are proposed. There is a public footpath running from Castle Hills (on the southern edge of the site) to the town centre which will need to be improved. Working drawings and costings have been provided and the applicants have offered to pay a commuted lump sum to meet the estimated cost of construction. However due to land ownership complexities, delivery of the scheme would rest with the developer and NYCC.
- 1.9 A detailed landscaping statement setting out the general principles for the development has been prepared by Fawcett & Fawcett and is included separately within the planning application documentation. Other documents submitted in support of the application include: a Planning Statement, Statement of Community Involvement, Design & Access Statement, Flood Risk Assessment & Drainage Strategy, Travel Plan, Arboricultural Report, Noise Assessment, Ground Preparatory and Remediation Strategy, Air Quality Assessment and Ecological Assessment.
- 1.10 The proposed layout plan shows a single vehicular access from Yafforth Road via a newly constructed four-legged roundabout located opposite the entrance Standard Way. From here the main road loops back round to allow for a circular route serving secondary and tertiary roads. Separate surface and foul water pumping stations are proposed to the north-eastern edge of the site.
- 1.11 The former York Trailers site comprises some 9.4 hectares of land located close to the eastern periphery of the town. Formerly used for employment purposes, the site has been largely vacant for over five years and contains a range of semi-derelict steel portal industrial buildings and a related two-storey office building. The application site covers 8.1ha of the total site area as the remaining area, at the north east corner of site, has been omitted with a view to its subsequent development for employment purposes, i.e. as proposed in the Allocation DPD.
- 1.12 The site is bound to the north by Yafforth Road, beyond which land uses are exclusively industrial and commercial. Further commercial development stands to the east whilst the East Coast Main Line railway runs the length of the site's western boundary. A public footpath runs along the southern boundary in an east to west direction, beyond which the Castle Hills site comprises mainly agricultural grazing land.
- 1.13 On the application site itself, the redundant, semi-derelict former factory building comprises a series of linked portal framed with six bays. The elevations to this building comprise a mix of large opening doors with glazed panels above, brick walls and asbestos cement cladding. The former office building is attached to the north east corner of the main building and is of reinforced concrete frame construction with brickwork and decorative cladding. This building has been badly vandalised and is in a poor condition. Elsewhere the remaining infrastructure includes above ground water and fuel oil tanks, bunds and other containers.
- 1.14 Extensive areas of concrete hardstandings surround the buildings and mounds of construction and other spoils are present in several areas. A chain link fence extends around the western, eastern and southern site boundaries. A row of poplar trees extends along the Yafforth Road frontage, whilst mature tree cover is also in evidence along the eastern site boundary and around the former office building.

- 1.15 The site is located within Development Limits of Northallerton and has been identified by the Council as a preferred option housing site within the LDF Allocations DPD (Policy NH1).
- 1.16 Paragraph 2.91 of the *Report on the Examination into the Allocation Development Plan Document* states that “It is consistent with LDF policy DP17 to allocate this former employment site for housing as it has been marketed without success for a variety of employment uses since it became vacant in 2002. While there is a continuing need for serviced employment land, there is the opportunity to provide this nearby as part of strategic site NM5. Given the size of the site and its relationship with surrounding uses, it is feasible to create an attractive residential environment here that has a positive effect on this gateway to the town. It is an accessible location and already has a short, safe and usable footpath link to the town centre that is capable of being upgraded for cycles. There is no evidence to suggest it cannot be accommodated by the local highway network.”

2.0 RELEVANT PLANNING HISTORY

- 2.1 07/03910/SCR - Request for formal screening opinion for a proposed development (EIA not required – decision made on 21.01.08)
- 2.2 08/00179/FUL - Members will recall that two planning applications were submitted in April 2008 for the construction of 331 dwellings and associated infrastructure (Withdrawn 28.05.08)
- 2.3 08/00182/OUT - Outline application for the construction of 150 dwellings at Castle Hills (adjacent site) (Withdrawn 28.05.08)

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant Regional and Local Policies within the Development Plan and National Policies are as follows;

Hambleton District Wide Local Plan – Saved Policy L1 (Development Limits)

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

Development Policies DP11 - Phasing of housing
 Development Policies DP12 - Delivering housing on "brownfield" land
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP28 - Conservation
 Development Policies DP29 - Archaeology
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP36 - Waste
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP39 - Recreational links
 Development Policies DP43 - Flooding and floodplains
 Development Policies DP44 - Very noisy activities
 PPS1 - Delivering Sustainable Development (2005)
 PPS 3 - Housing (2010)
 PPS5 - Planning for the Historic Environment (2010)
 PPS9 - Biodiversity and Geological Conservation (2005)
 PPS22 - Renewable Energy (2004)
 PPS25 - Development and Flood Risk (2010)
 PPG13 - Transport (3rd edition 2001)
 PPG17 - Sport and Recreation (2002)
 PPG24 - Planning and Noise (1994)

4.0 CONSULTATIONS

Northallerton Town Council

- 4.1 Wish to see the application refused. Require more information relating to drainage, acoustic barriers and infrastructure issues.

NYCC Highways

- 4.2 The following is the latest position on the application with respect to highways matters: -

Transport Assessment

- 4.3 No amended document has been received to address the matters raised in NYCC Highways' letter dated 27 April 2009.

Direct pedestrian/cycle link to the town centre

- 4.4 Further information required on the improvement and upgrading of the footpath along its entire length between the site and the town centre, including the provision of lighting and street furniture; and
- 4.5 The provision of a cycleway facility over about 80% of the route, i.e. excluding for the time being the western section, in respect of which the consent of the land owner will be required. In this latter respect, as I understand our last round of discussions, the riding of cycles over the western section would need to be restricted until such time as a formal cycleway creation order can be brought forward.

Site Layout

- 4.6 NYCC Highways have not yet received layout drawings since the sketch dated 12 May 2009. Unsure what the latest layout is and if this complies with the highway authority's requirements.

Roundabout on Yafforth Road

- 4.7 NYCC Highways has not received the following drawings which were requested: - Engineering Layout plans, at a minimum scale of 1:500, are required by the LHA to enable the suitability of the design of the proposed roundabout on Yafforth Road to be assessed. Due to the vertical alignment of Yafforth road over the East Cost Main Line Railway, engineering long sections of the proposed alignment will be required along Yafforth Road to enable the LHA to determine that the proposed roundabout complies with the appropriate design standards.

Northallerton North Contribution

- 4.8 This needs to be confirmed and checked against the latest policies and traffic information given the time that has elapsed since the initial TA.

NYCC Heritage (Archaeology)

- 4.9 Advise further advice is gained on this matter to determine the appropriate nature of archaeological intervention, for instance, pre-determination evaluation or a suitably worded condition.

Environmental Health Officer

- 4.10 No objection to the granting of this application subject to glazing being installed as per White Young Green report.

Local Government Yorkshire & Humber

- 4.11 No comments on this occasion as the issues that arise with this application are not strategic in nature.

Yorkshire Forward

- 4.12 No objections to make.

Environment Agency

- 4.13 No objections subject to conditions relating to surface water drainage. Support the use of SUDS.

Yorkshire Water

- 4.14 No objections subject to conditions relating to surface and foul water drainage.
- 4.15 The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site. The Flood Risk Assessment & Drainage Strategy (prepared by White Young Green Report No A036663 rev 1 dated 03/2009) is satisfactory from Yorkshire Water's viewpoint. The reports indicate foul water to discharge to a public

foul water sewer in Yafforth Road with surface water to discharge to a watercourse (Willow Beck) via storage with a restricted discharge. Support the use of SUDS.

Ramblers Association

- 4.16 No objection to this proposal. There are a number of footpath constraints which may lead to an interface problem between pedestrians and cyclists. For the footpath through York Trailers, option 2 would be preferred by pedestrians. The decent on the town side of Cherry Croft Bridge would appear difficult for pedestrians with prams.

Allertonshire Civic Society

- 4.17 Object to the application. Question whether residential development is correct for this site due to the proximity to commercial/industrial units and the railway line. It has poor road links to the town and schools. Concern over timing. Site is within first phase of LDF whereas northern relief road is in second phase. Additional traffic north of level crossing is totally unacceptable. Revised internal layout is an improvement on previous application. Whilst there are 28 house designs, we had hoped to see a higher standard of design.

Police Architectural Liaison Officer

- 4.18 By far the major cause for concern is the public right of way which runs along the southern side of the site. From a security point of view this public corridor will greatly increase the permeability of the site. The idea of this corridor is to encourage people to come and go as they please. Unfortunately, whilst these improvement works *'would benefit not only residents of the development, but the wider community'* not all of these users will have honest or commendable intentions.
- 4.19 From a safety angle there will be a potentially increased risk relating to where the footpath crosses the East Coast railway line at the South West corner and where it crosses Cherrycroft railway bridge spanning the two sets of running line that form the Middlesborough and the Durham Coast route. Improvements to this public right of way will result in a dramatic rise in both pedestrians and cyclists from residents of the new development and other casual users.
- 4.20 In agreement with the recommendations made in the *'Statement on the Footpath Link'* concerning the re-routing of the footpath at the South-West corner as this would obviously address the safety issue at the flat crossing over the East Coast railway. However, it will not affect the potential for irresponsible and, in the worst case scenario, life threatening behaviour where the footpath crosses over Cherrycroft Bridge. I strongly recommend that the parapet walls be heightened and suitable *'wing-walls'* on the approaches to the bridge be erected to prevent illegal access on to the railway line and objects being thrown on to the track.
- 4.21 The risk factors relating to the interaction between footpath users and the railways are fully explored in the report by Paul Hardy Crime Reduction Officer British Transport Police, the findings of which I heartily endorse.
- 4.22 There is a need to establish the relationship between each individual property and its associated private car parking space. The accepted rule under *Secured By Design* guidelines is that the owner of any parked vehicle should be able to view it from his/her property. This natural observation should be available from rooms in the home that are regularly occupied i.e. living room. Bedrooms/store rooms are not generally accepted for this purpose. The owner of a parked, unattended vehicle who cannot directly view their vehicle is likely to find an alternative location where they feel it will be safer and this can

lead to improper use of certain areas i.e. grass verges or other people's allotted parking space.

- 4.23 I await detailed plans illustrating where and what standard of lighting is proposed for the development and in particular: the play areas; combined footpath/cycleways both leading to and on the site and the areas allocated for vehicle parking.
- 4.24 There is generous provision of both trees and hedging around the site which is important for the appearance of the development, however, low hanging tree branches should be regularly pruned and the height of shrubs and hedging maintained at a maximum of 1 metre to maintain a good level of natural observation.
- 4.25 Communal areas, such as playgrounds and seating areas have the potential to generate crime, the fear of crime and anti-social behaviour therefore careful consideration should be given to the type of equipment to be installed on the various play areas/mini-play areas around the development. They should be designed to allow supervision from nearby dwellings with safe routes to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorized vehicular access.

Network Rail

- 4.26 The public footpath across the railway is considered to be a rural path, which generates a low level of daily use. The building of this residential development, together with the associated plans to improve this footpath (Section 2.4 of the Design and Access Statement refers), will create greater use of the level crossings and thus import additional risk onto Network Rail.
- 4.27 A risk assessment will be required to be produced by the developer on the impact of the development on the level crossings.
- 4.28 With reference to the general protection of the railway, Network Rail has no objection in principle to the development, but stipulate that certain requirements should be met with regards to drainage, fail safe use of crane and plant, excavations and earthworks, security of mutual boundary, Armco safety barriers and security/ boundary fencing.
- 4.29 *Noise/Soundproofing* - residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.
- 4.30 *Trees/Shrubs/Landscaping* - Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.
- 4.31 *Lighting* - where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

- 4.32 *Children's Play Areas/Open Spaces/Amenities* - must be protected by a secure fence along the boundary to a minimum height of 2 metres and the fence should not be able to be climbed.
- 4.33 It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the *drainage, boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping* should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

Regional Design Review Service (RDRS)

- 4.34 The RDRS is advisory and independent and has no statutory status although aims to add value to the planning process. The RDRS made the following comments: -

Site Layout:

- The overall layout concept is generally supported; the use of green corridor and creation of community spaces has the potential to be successful. However, clarity has been lost as the corridor appears to permit car use.
- There appears to be a good use of variety through a mix of housetypes which is encouraged.
- The scheme has potential; the use of courtyards and clusters creates a legible plan and the sub grouping provides clear area identities. There is good clarity from thresholds into clusters.
- It is not considered important whether render is used, as the sole use of brick can be equally effective.
- The landscaping proposal creates interesting areas of amenity space and the pocket park on entry appears an effective node. The use of way finders are also supported. However, there appears to be a level of detail missing that omits street furniture for example, which would add to the proposal.

Courtyard car access:

- In some instances across the site, entry into parking courts appears negated by trees or difficult manoeuvres to make. Examples are the north and central public squares on the eastern side of the site. Ideally, these should be addressed.
- There could also be potential security issues with the central parking court that is not overlooked. The Panel is keen to establish whether Secure by Design advice has been sought and adopted.
- The layout of both parking and dwellings in the north east cluster cause some concern as there appears to be large amounts of parking which are in close proximity to dwellings. Access to these houses is also unclear.

Servicing strategy:

- There are detailed drawings that demonstrate courtyard layout; however, there appears to be no references to appropriate refuse storage or servicing strategy. It would be useful to see how this is intended to be dealt with.

Accessing houses:

- There appear to be several areas where access routes to front doors are unclear. Examples are the north east corner and the properties that face onto both the access road and Yafforth Road.

Publicity

- 4.35 The application was advertised within local press, by site notice and directly to the neighbouring residents. Three letters of objection and one letter of support have been received, which are summarised as follows: -
- a) Concerned that the development will have an impact on the bat population roosting in the structure of the bridge.
 - b) Safety concerns about the proposal which does not appear to raise the height of the bridge parapet.
 - c) Concerns about encroachment of the proposed footpath on property boundary.
 - d) Who will carry out maintenance of soft landscaping.
 - e) Light pollution from the lighting scheme to cycle route.
 - f) Safety concerns about proximity of cycle track to vehicular highway at Cherry Croft onto Tannery Lane.
 - g) Increased foot traffic past property and loss of privacy.
 - h) 273 dwellings is far too many as the increased traffic at the north end of the town will become much worse than it is now as most people have access to a car or two per household.
 - i) Worried about the amount of children that are going to be closer to the railway line, we already have trouble with youths throwing objects from the railway bridge on to the line and my property.
 - j) Have concerns about the access from the Tannery Lane to the new houses.
 - k) It is a bad plan to build housing close to industrial areas, as, once people start living there, they begin to complain about the noise/dust/smell/traffic of the industrial estate. Next, conditions are set upon the industrial users – who then give up, either going out of business because of the additional constraints on them, or go elsewhere, thus losing jobs.
 - l) All traffic would have to cross the level crossing at Low Gates, as the railway line would stand between the new houses and all the services in town. Even now, when these gates are closed – which they are frequently – the whole town clogs with traffic. I believe that a new housing estate north of the railway line would significantly add to these traffic jams, and be a grave mistake for Northallerton.
 - m) A development like this is needed in Northallerton.
 - n) Affordable homes will provide those working and living locally a place to buy without having to reach the high prices of property in Northallerton.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application are matters relating to: -
- a) Location of New Housing
 - b) Design & Density
 - c) Sustainable Construction
 - d) Creation of Footpath & Cycle Link
 - e) Railway Crossing – Risk Assessment
 - f) Noise
 - g) Neighbour Amenity
 - h) Flood Risk & Drainage
 - i) Biodiversity & Geological Conservation
 - j) Trees & Landscaping
 - k) Highway Safety
 - l) Affordable Housing
 - m) Public Open Space

n) Other Developer Contributions

Location of New Housing

- 5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Submitted Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.3 The Core Strategy outlines spatial principles. Spatial Principle 1 relates an *area for opportunity*. This area includes Northallerton. Reflecting the scope for development, in particular based on its accessibility, scale of existing facilities and relative lack of development constraints this is the area where most housing and employment related development will take place.
- 5.4 CP5 and CP5a identify the scale of new housing, for the period 2004 to 2011, 100 dwellings (99.2 if 31% of 320) per annum are required for the Northallerton sub area, 99 dwellings 34% of 290 for the period 2011 to 2016. At least 51% of the overall housing development will occur within the Principal Service Centres of Northallerton and Thirsk in accordance with policy CP6 of the Hambleton LDF Core Strategy.
- 5.5 To this end, the application site is allocated within the submitted LDF Allocations Development Plan Document as Policy NH1 which has now been accepted as a ‘sound’ document by the Planning Inspectorate. This site is allocated for housing development in Phase 1 (up to 2016) subject to: a density of approximately 40 dph resulting in a capacity of around 300 dwellings (of which a target of 40% should be affordable); the type and tenure of housing meeting latest evidence on local needs; contributions from the developer towards providing *inter alia* additional primary school places, improvements to the local footpath and cycleway network, provision of public open space, the North Northallerton Link Road; public transport; local health care facilities; drainage and sewerage infrastructure; and suitable access, landscaping, noise and screening along side the railway line.
- 5.6 In addition to the Allocations DPD, the application site located within the development limits of Northallerton as defined in the saved Hambleton Local Plan Policy L1 on the Proposals Map.
- 5.7 Furthermore, policy DP8 of the Development Policies DPD states that “*Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies*”. In light of the above considerations, the principle of the proposed development is considered to be acceptable.

Design & Density

- 5.8 In response to Members initial concerns about the design of the proposed scheme, the application was referred to the Regional Design Review Service (RDRS) for comment. Whilst the RDRS expressed dissatisfaction with the clarity of the information provided by the applicant, the RDRS were generally supportive of the overall layout concept and commended the green corridor and community spaces. The RDRS were encouraged by the good variety of housetypes proposed and the use of courtyards and clusters throughout the development.
- 5.9 In terms of negative comments, the RDRS suggested that clarification be sought in relation to street furniture, refuse storage, servicing arrangements and the proximity of large amounts of car-parking close to housing at the north-east cluster of the site.

- 5.10 The proposed scheme is generally considered to be of good design in accordance with the principles of PPS1. The design reflects the traditional vernacular of Northallerton but meets modern aspirations whilst sufficient car parking and private amenity space are to be provided. Clear steps have been taken by the developer to produce an innovative and attractive scheme that will add to the value of Northallerton's built environment.
- 5.11 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.
- 5.12 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Nonetheless, PPS3 does state that local planning authorities should have regard to, inter alia: the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.13 As identified within paragraph 5.5, the proposed allocation NH1 (as amended during the Examination) specifies a gross density of about 40dph. Excluding public open space and other areas of landscaping, the proposed scheme equates to a density of 40dph which meets the density requirements of NH1 but falls below the anticipated figure of 300 dwellings. However, a reduction of 18 dwellings allows for creation of a green transport corridor, pocket parks and allows for a good degree of separation between the proposed dwellings and the railway line. Therefore, on balance and being mindful of guidance contained within PPS3, the proposed housing numbers are considered to be acceptable.

Sustainable Construction

- 5.14 Policy DP34 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.
- 5.15 In response to the requirements of DP34, the applicants have submitted an 'Energy Statement' which shows the result of an accredited assessment scheme known as the Standard Assessment Procedure (SAP). The accredited scheme to be used to demonstrate that the equivalent energy savings can be achieved through design improvements, including: upgraded insulation; air permeability testing; improved U-values of doors and windows; weather compensators fitted to boilers etc.
- 5.16 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.

Creation of Footpath / Cycle Link

- 5.17 Policy NH1 requires *"improvements to the local footpath and cycleway network towards the town centre and areas of employment, particularly those crossing the Northallerton-Middlesbrough Railway Line..."*
- 5.18 The existing footpath route currently provides a means of accessing all the services and amenities of the town centre within a 5-10 minute walk of York Trailers. The strengthening of this pedestrian access is a key element of any proposed development.

- 5.19 The footpath / cycleway improvement proposals will not only encourage more people from the development site to access the town centre on foot or cycle, but will also provide a much-improved link to the open countryside for those travelling in the opposite direction.
- 5.20 The applicants have submitted a Statement on providing a “*Public Footpath Link to Northallerton Town Centre*”. The Statement sets out the background to the proposals and provides some information on work carried out to date on the delivery of upgrades to the public footpath link that runs between the site and Northallerton town centre. It also sets out how the improvements might be delivered.
- 5.21 The applicants have commissioned some working drawings of how the proposals could be delivered, along with indicative costing of the works required. The applicant has expressed a willingness to enter into a s.106 obligation to secure both the immediate and longer term funding of the necessary works. A figure of £182,000 has been agreed with the applicants and would be secured via a s.106 agreement.
- 5.22 So far as the improvement of the existing footpath is concerned (i.e. including surfacing, lighting and the introduction of street furniture etc), this can be undertaken either by North Yorkshire County Council (NYCC) or by the developers at its behest using the ‘normal’ improvement powers available to the highway authority.
- 5.23 In addition to the footpath upgrading works, the proposed introduction of a cycleway will need to be undertaken by means of a Conversion Order under the Cycle Tracks Act 1984, a procedure that has not been previously used by NYCC. It is important to note that this process does have its complications.
- 5.24 For those parts of the route which fall outside the definition of ‘agricultural land’, there is no need to obtain the consent of any land owners. Nonetheless, when an Order is made, a ‘general’ consultation period is carried out. If any objections are made that are not subsequently withdrawn, the proposal will be considered at a Public Inquiry. Although, if an objection by an owner of ‘agricultural land’ is made and is not withdrawn, no public inquiry would be held and the proposal could not proceed (i.e. because the consent of such an owner to a Conversion Order is a pre-requisite).
- 5.25 In such circumstances, a possible alternative option would be to propose the upgrading of the route to a bridleway, which can be done notwithstanding owners' objections, with compensation being payable.
- 5.26 NYCC have advised that only that section of the route to the south and south east of the site is classed as agricultural land. The owners have been approached for their consent for the Conversion Order to be made, however the owners are currently unable to take a definitive view on the matter due to personal reasons.
- 5.27 Further to the east, the acquisition of additional land is likely to be necessary in order to provide for more shallow gradients along this part of the route, and this would represent a further issue. If this land could be acquired by agreement, then it could be included in a Conversion Order and the procedures could move forward fairly quickly. If no agreement were forthcoming, NYCC could initiate a Footpath Creation Order which if successful would result in the payment of compensation to the landowner.
- 5.28 In the light of the current position, it would be feasible to apply a condition covering the delivery of the footpath/cycle link. Such a condition would need to take account of the possibility that the western section of the route will be a footpath only, at least initially.

- 5.29 On this basis, the applicants have indicated that in their view, the only realistic option is an approach that will put in place arrangements for what is known can be delivered now, together with such additional provisions as may be necessary to deliver an additional upgrade when it is feasible to do so. In this regard, the timescales involved are such that there is every likelihood that full cycleway provision using a Conversion Order will be achievable at some stage during the construction process. However, if this proves not to be the case, the bridleway option could be adopted at a later stage in order to secure the complete delivery of the scheme.

Railway Crossing – Risk Assessment

- 5.30 Network Rail's consultation response offered no objection in principle but requested the submission of a "risk assessment" examining the impact of the proposed scheme on the level crossing (public footpath).
- 5.31 In light of Network Rail's request for a risk assessment, it is recommended that a Grampian style condition be attached to the consent requiring the submission and approval of a risk assessment. The risk assessment would be required to include recommendations for appropriate mitigation. Such mitigation measures would need to be in place prior to the occupation of the first dwelling.

Noise

- 5.32 Policy DP44 states that *'Noise sensitive development will not be permitted in areas where potential for harmful noise is known to exist.'*
- 5.33 A PPS24 compliant 'Noise Assessment' has been produced by White Young Green in order to determine ambient noise levels at the site with a view to assessing its suitability for residential end use.
- 5.34 From the information gathered during the site visit dominant noise sources at the site were mainly due to rail noise from the rail line to the west of the site and intermittent road traffic noise from Yafforth Road. Noise from the commercial units to the east of the site is infrequent.
- 5.35 It is considered likely that acceptable internal noise levels can be achieved in the proposed dwellings provided that mitigation measures including: inserting glazing with a minimum sound insulation value of 39 db (R_w), orientating bedrooms away from the railway line and earth bunding adjacent to the East Coast Mainline are implemented.
- 5.36 It is recommended that a condition is attached to ensure that the mitigation measures are carried out in full prior to occupation.

Neighbour Amenity

- 5.37 Policy DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.38 The application site is located on the fringe of the town and is generally surrounded by B1, B2 and B8 uses. The nearest residential dwellings (Cherry Croft Cottages) are located over 190m away to the south east. In addition, Mount Vale Care Home stands over 200m away on the opposite site of Yafforth Road. This level of separation is more than adequate to ensure that no loss of amenity to existing residents will occur.

- 5.39 Residents of Cherry Croft Cottages have objected to the application on the grounds that the new footpath / cycle route linking the application site to the Town Centre will be detrimental to their amenity. Whilst residents' concerns are noted, it should be acknowledged that the proposal involves upgrading of an existing public footpath adjacent to Cherry Croft Cottages rather than a new link altogether.
- 5.40 The proposed development and subsequent upgrading of the footpath will undoubtedly increase pedestrian movement past Cherry Croft Cottages. It is anticipated that residents will observe a change in the visual appearance of the immediate locality as a consequence of the external works. However, the new footpath / cycle route has been designed to be safe, secure and respectful of neighbouring property. Therefore, residents are unlikely to experience a significant loss of amenity as a consequence.

Flood Risk & Drainage

- 5.41 Policy DP43 outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.42 A Flood Risk Assessment produced by White Young Green has been submitted with the application. The site is located in Flood Zone 1 and is not considered to be at significant risk of flooding from fluvial sources. The general site levels are approximately 2m above the 1 in 100 flood level in Willow Beck.
- 5.43 There is a small risk of overland flow occurring and affecting the part of the site closest to Castle Hills (the south west corner of the site). There is an existing surface water sewer in the north east of the site, which discharges to Willow Beck. This could potentially be reused to take some of the surface water from the site, depending on its diameter and condition, but it is considered unlikely that it will be possible to discharge all of the surface water from the site via this point due to the flat nature of the site.
- 5.44 At detailed design stage, therefore, a survey of the existing drainage system should be carried out, and an acceptable discharge rate agreed with EA / HDC, based on a suggested 20% reduction in runoff compared to the present situation.
- 5.45 It is noted that even once mitigation measures have been taken as identified above, there remains a residual risk of flooding from exceedance events – i.e. those that exceed the assessment and design parameters used. In addition, if parts of the site rely on pumping for discharge of runoff, this introduces a further flood risk to the site, should the pumping station fail, or should its capacity be exceeded. Notwithstanding this position, Yorkshire Water and the Environment Agency have raised no objections to the proposed drainage arrangements.

Biodiversity & Geological Conservation

- 5.46 Policy DP31 of the LDF states that '*Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation... Support will be given... to the enhancement and increase in number of sites and habitats of nature conservation value*'. The applicants have supplied an Ecological Assessment in response to the requirements of Policy DP31.
- 5.47 All habitats present on the York Trailers site are relatively widespread throughout the UK and are considered typical for suburban areas. There are no Local Biodiversity Action Plan

(LBAP) habitats on site. The proposed development is not considered likely to impact on any important notable habitats.

- 5.48 The York Trailers site at Yafforth Road supports a range of breeding bird species which might be considered typical for a site containing agricultural grazing land, scattered and dense scrub, mature trees and introduced landscaping shrubs. A total of 21 breeding species were recorded on site, of which 6 are important in terms of their conservation status.
- 5.49 All vegetation clearance works should be scheduled to take place outside of the bird nesting season (March – August) if at all possible. If clearance works are required to take place during the nesting season all areas of suitable vegetation must be checked for the presence of nesting birds by an ecologist prior to removal. In areas where nesting birds are present, clearance works must stop until fledglings have left the nest.
- 5.50 Although no bat roosts were identified within the buildings or trees surveyed on site bats are highly mobile species and some roosts, particularly tree roosts, can be transient in nature. It is therefore possible that small, occasional bat roosts could be present, either in the buildings or the two surveyed trees.
- 5.51 No controlled invasive weeds (Japanese Knotweed or Giant Hogweed) were noted on site.
- 5.52 The 'Recommendations' section of the Ecological Assessment contains details of proposed mitigation measures and nature conservation enhancements. Should planning permission be forthcoming, it would be appropriate to condition compliance with these recommendations.

Trees & Landscaping

- 5.53 White Young Green Environmental was commissioned to carry out a tree survey on a site.
- 5.54 Five trees were assigned to the high quality and value category. These are three mature sycamore trees and a mature wych elm in the hedgerow bordering Yafforth Road and mature pedunculate oak nearby, all in the north-eastern corner of the site.
- 5.55 Thirty seven trees were identified as being of moderate quality and value category. These were all concentrated along the northern boundary and close by in the groups of trees adjacent to the previous office building and main entrance from Yafforth Road. This category included many of the hybrid black poplar trees in the north-west corner of the site and a number of large middle age beech and sycamore trees in a relatively prominent group to the south-west of the previous main entrance. Other trees assigned to the moderate category included a mature ash close to the former office building, three sycamores in the north-eastern corner of the site and range of mature laburnum, bird cherry and Japanese cherry and middle-age silver maple, field maple, wild cherry, Norway maple and ash trees.
- 5.56 Sixty eight trees of low quality and value were identified. These were generally smaller or younger trees or those with defects among the higher quality trees.
- 5.57 Thirteen trees require felling because of their condition, irrespective of the development proposal. The most prominent of these is a mature ash tree close to the western boundary and two mature balsam poplars to the south-east of the previous main entrance. Other smaller trees require felling because they are dead, in terminal decline or have weak main forks at risk of collapse.

- 5.58 Of the groups of trees and shrubs, two were identified as being of moderate quality and value category. These were a group of hawthorn on a bridge embankment and a hedgerow alongside Yafforth Road in the north-eastern corner of the site. Twenty four groups of tree and shrubs were assigned to the low quality and value category. These included a number of groups of naturally-regenerated ash trees growing on railway line to the west of the site and patches of hawthorn, elder and blackthorn-dominated scrub close to the southern boundary and the southern half of the eastern boundary. One groups of trees required felling because of its condition, irrespective of the development proposal.
- 5.59 The site contains a number of higher quality trees (high and moderate quality and value) and these represent a constraint on development. However, these trees are concentrated on and close to the northern boundary with Yafforth Road and represent a small proportion of the overall area of this large site. The small number of high quality trees, which represent the greatest constraint on development, are all concentrated in the north-east corner of the site.
- 5.60 The higher quality trees close to the northern boundary are mixed among a larger number of low quality trees that should not impose a significant constraint on development.
- 5.61 A condition should be applied to ensure that recommendations of the WYG Tree Survey are carried out in full. In addition, a Tree Preservation Order has been prepared to protect the most significant trees.

Highway Safety

- 5.62 A Transport Statement (TS) produced by RPS was submitted with the application. The TS 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 and mitigation measures identified.
- 5.63 An assessment has also been made of the likely contribution to be made by the York Trailers development to the North Northallerton Link Road. Based upon the funding formula set out in NNLR Deliverability report by Jacobs, it is estimated that a contribution of £246,015 would be appropriate.
- 5.64 The final comments of the Local Highway Authority are awaited.

Affordable Housing

- 5.65 Policy CP9 stipulates that housing development of 15 dwellings or more within Northallerton should make provision for 40% affordable housing which is accessible to those unable to compete on the local housing market. Although, the actual provision on site will be determined through negotiations, taking into account viability and the economics of provision.
- 5.66 The District Valuer, on behalf of the Council, has assessed the viability of the scheme and has concluded that the provision of 53.14 affordable units (18.78%) would allow for all other s.106 contributions to be made. In response, the applicant proposes 53 affordable homes with the shortfall of 0.14 units being provided via a financial contribution.
- 5.67 An amended plan has been received showing the positions of the 53 affordable units. The amended "Affordable Housing Pro-Forma" states that 27 units will be shared-equity and 26 units will be rented with a mix of 2 bed and 3 bed units.

Public Open Space

- 5.68 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.69 The proposed layout incorporates 1.54ha of amenity space/informal recreation. This includes two pocket parks, various spaces of amenity landscaping and the green route through the centre of the site. The scheme also includes a formal recreation area of 0.14 Ha. The developer has agreed to sum a sum of £66,908 for maintenance of the on-site public open space.
- 5.70 Notwithstanding the proposed onsite public open space, the proposal falls short of the space standards contained within Policy DP37 and therefore a contribution of £466,284 should be sought from the applicant for off-site provision, including maintenance costs in accordance with the draft SPD on Public Open Space, Sport and Recreation. As with affordable housing, payment of the commuted sum in lieu of public open space is subject to viability.

Other Developer Contributions

- 5.71 Policy NH1 identifies a need for contributions from the developer towards providing additional primary school places, improvements to the local footpath and cycle network towards the town centre (as discussed at paragraphs 5.17 to 5.29), improvements to transport facilities, increased or improved access to local healthcare facilities and, if required, additional drainage and sewerage infrastructure.
- 5.72 In response to these requirements, the Local Education Authority has requested a sum of £805,000 to account for a shortfall in school places, a figure of £182,000 has been costed for the new footpath / cycle way link and figure of £246,015 is required as a contribute towards the North Northallerton Link Road.

Viability – Development Appraisal

- 5.73 As outlined above, the delivery of affordable housing, public open space and other developer contributions is subject to viability. The District Valuer was instructed on behalf of the Council to appraise the “open book” information provided by the applicants and subsequently identify an appropriate level of s106 contributions. The District Valuer concluded that all commuted sums, as required by the Council, plus 18.78% affordable housing would still allow for a reasonable return both for the developers and the landowner.
- 5.74 The following tables show the final negotiated position in respect of developer contributions: -

Table 1: Showing developer contributions required by Policies NH1 & DP2

Type	Amount
Public Open Space (Off Site)	£466,284
Public Open Space (On-Site Maintenance)	£66,908
North Northallerton Link Road	£246,015
Education	£805,000
Footway / Cycle Path Link	£182,000
Total	£1,766,207
Affordable Housing	113.2 dwellings (40%)

Table 2: Showing the District Valuer's recommendations

Type	Amount
Public Open Space (Off Site)	£466,284
Public Open Space (On-Site Maintenance)	£66,908
North Northallerton Link Road	£246,015
Education	£805,000
Footway / Cycle Path Link	£182,000
Total	£1,766,207
Affordable Housing	53.14 dwellings (18.78%)

Table 3: Showing the applicants' final offer

Type	Amount
Public Open Space (Off Site)	£466,284
Public Open Space (On-Site Maintenance)	£66,908
North Northallerton Link Road	£246,015
Education	£805,000
Footway / Cycle Path Link	£182,000
Total	£1,766,207
Affordable Housing	53.14 dwellings (18.78%)

- 5.75 The applicants' final offer shown within Table 3 mirrors the District Valuer's recommendations as shown within Table 2. Consequently, the overall offer is considered to allow for a reasonable return both for the developers and the landowner whilst providing a sufficient amount of community benefits.
- 5.76 Triggers for payment of the s.106 contributions will be varied. Payment of off-site public open space and the education contributions will be phased throughout the development whereas contributions towards the North Northallerton Link Road and the footway / cyclepath will be paid on occupation of a defined number of dwellings. Maintenance monies for on-site public open space will be paid when the liability passes from the developer to the Town Council or a management company.

6.0 CONCLUSION

- 6.1 The principle of development has been established as the site is allocated for residential development within the submitted LDF Allocations Development Plan Document as Policy NH1. The site is previously developed and is within a sustainable location in relation to Northallerton Town Centre and the proximity of local services.
- 6.2 Subject to the satisfactory resolution of outstanding highways matters and the signing of a s.106 covering those matters detailed within this report, the proposed development is considered to be acceptable and accords with the aims of the development brief and relevant policies of the Hambleton LDF.

7.0 MONITORING

- CP2 – 283 new dwellings within 30mins from key facilities by public transport.
CP2 – 283 new dwellings within 800m/13min walk from an hourly bus service
CP5A – 283 new dwellings within Northallerton sub-area

CP7 / DP12 – 283 new dwellings on brownfield land
 CP9 – 53 new affordable dwellings
 CP18 – 10% of energy needs to be secured via improvements to the design of dwellings
 (see condition 9).

8.0 **RECOMMENDATION**

GRANTED subject to the following conditions:-

1. **Commencement**

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

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

2. **Approved Plans**

The development hereby approved shall be in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority.

Description	Reference Number	Date on Plan
Brunel & Sandown (Plan Variant 1)	B&S 20 02	25 March 2009
Vermont (Plan Variant 1)	VER 20 02 Rev.A	25 March 2009
Sheringham (Plan Variant 1)	SHR 20 02	25 March 2009
House Type R4	R4 20 02	25 March 2009
House Type R3	R3 20 01	25 March 2009
Claremont (Plan Variant 1)	CLA 20 02	25 March 2009
Canterbury (Plan Variant 1)	CAN 20 02	25 March 2009
Burlington (Plan Variant 1)	BUR 20 02 Rev.B	25 March 2009
Buckleigh (Plan Variant 1)	BUC 20 02 Rev.A	25 March 2009
Housetype H819	300/H819/PL2 Rev.B	25 March 2009
Housetype H745	300/H745/PL2 Rev.B	25 March 2009
Portland (Plan Variant 1)	POR 20 02 Rev.A	25 March 2009
Monterey (Plan Variant 1)	MON 20 02 Rev.A	25 March 2009
Linden (Plan Variant 1)	LIN 20 02	25 March 2009
Hylton (Plan Variant 1)	HYL 20 02	25 March 2009
Homewood (Plan Variant 1)	HOM 20 02	25 March 2009
Hampshire (Plan Variant 1)	HAM 20 02	25 March 2009
F.O.G (Plan Variant 1)	FOG 20 02	25 March 2009
Housetype H621	300/H621/PL2 Rev.B	25 March 2009
Housetype D1651	300/D1651/PL2	25 March 2009
Housetype D1536	300/D1536/PL2 Rev.B	25 March 2009
Housetype D1469	300/D1469/PL2	25 March 2009
Housetype D1337	300/D1337/PL2	25 March 2009
Housetype D1251	300/D1251/PL2	25 March 2009
Housetype H1225	300/H1225/PL2 Rev.B	25 March 2009
Housetype H1216	300/H1216/PL2 Rev.B	25 March 2009
Housetype D1159	300/D1159/PL2	25 March 2009
Housetype H1089	300/H1089/PL2 Rev.B	25 March 2009
Site Layout	1:500 Planning Layout Rev.A	02 November 2010

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 Walls**

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

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.

5. **Boundary Walls Construction**

No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

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

6. **Permitted Development Rights Removed – Boundary Treatment**

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

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

7. **Landscaping Scheme**

Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the

species, numbers and locations of planting, all hard surface materials, means of enclosure, public art and play equipment to be installed within the pocket parks and “green route”, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of the 50th dwelling and maintained thereafter in accordance with the approved details.

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

8. Secured By Design

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

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

9. Sustainable Construction

Prior to the development commencing, a scheme for design improvements to increase the energy efficiency of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

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

10. Levels

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

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.

11. 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.

12. Surface Water Drainage

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

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

13. Foul Water Drainage

No development shall take place until details of the proposed means of disposal of foul drainage have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

14. No Piped Discharge of Surface Water

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 no foul or surface water discharges take place until proper provision has been made for their disposal.

15. 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 validation 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 CP21

16. Noise - Mitigation

Prior to occupation of the first dwelling, acoustically insulated windows and ventilation systems, as detailed within White Young Green's report received on 1 April 2009, shall be installed and thereafter retained within the proposed dwellings.

Reason: To safeguard the amenity of the future residents in accordance with the aims of Policy DP1 of the Hambleton Local Development Framework.

17. Footpath Link

Prior to the construction of any dwelling, a scheme for the delivery of a hard-surfaced footway and cycle-path link from the application site to Northallerton town centre shall be submitted to and approved in writing with the local planning authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details. The footway link shall be constructed and available for use prior to occupation of the 20th dwelling.

Reason: In order to improve accessibility to the site and increase opportunities for sustainable forms of transport to and from the site in accordance with CP1, CP2, DP3 and DP4.

18. PROW Level Crossing – Risk Assessment & Mitigation

Prior to occupation of the first dwelling, a full risk assessment of the impact of the development hereby approved upon the public right of way level crossing with the East Coast Mainline. Any mitigation measures identified within the risk assessment shall be implemented and maintained in accordance with the approved details prior to occupation of the first dwelling.

Reason: To safeguard the amenity of the future residents and other users of the PROW level crossing in accordance with the aims of Policies CP1, CP2, DP1, DP3 and DP4 of the Hambleton Local Development Framework.

19. Ecology – Mitigation

Prior to the development commencing, an Ecological Management Plan detailing measures to protect existing habitats and deliver biodiversity gain shall be 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: In order to protect and enhance biodiversity in accordance with PPS9 and Policies CP16 and DP31 of the Hambleton Local Development Framework.

20. Retained Trees

No retained trees, as identified within the Arboricultural Report produced by White Young Green dated June 2007, shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved Arboricultural Report, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with the British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.

21. External Lighting

No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

Reason: In order to ensure the unhindered operation of the adjacent East Coast Mainline.

22. Highways conditions to be added

13/01986/FUL

**Conversion of existing public house into 1no dwelling and construction of 2 new dwellings as amended by plans received by Hambleton District Council on 11th November 2013
at Three Tuns Inn, Raskelf, North Yorkshire
for Skelwith Properties Limited**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought to convert the existing pub restaurant into a four-bed dwelling and construct two new-build dwellings within the disused pub/restaurant car park.
- 1.2 The proposed conversion would accommodate a lounge, kitchen, utility room, dining room, w/c and second lounge/fourth bedroom on the ground floor with a further three bedrooms (one with en-suite) and a bathroom at first floor level. External alterations are limited to partial demolition of the single-storey rear extension, insertion of a lantern rooflight within the reconfigured single-storey extension, installation of patio doors within the rear elevation and the and new windows within reduced openings.
- 1.3 The proposed new-build dwellings are semi-detached and 2.5 storeys in height. Both dwellings include integrated garages to the front, a single rooflight to the front and dormer window to the rear, a shared central projecting gable to the front and a single storey off-shot (with lantern roof-light and patio-doors) to the rear.
- 1.4 The internal accommodation is comprised of a kitchen, dining room, lounge, w/c and integral garage on the ground floor with three bedrooms (one with en-suite) and a bathroom at first floor level with a master-bedroom and en-suite in the roof-space. The maximum external dimensions of each dwelling are 12.5m wide x 15.4m deep x 5.4m high to the eaves and 8.5m high to the ridge. Both dwellings are served by rear gardens measuring approximately 12.5m deep x 4m wide (minimum dimensions).
- 1.5 A limited amount of soft-landscaping is proposed to the shared/communal areas of the development. Box hedges/low level shrubs are proposed to define the boundary between public and private space and two areas of planting have been defined within the shared communal mews space to the rear. Hard landscaping is limited to footpaths, driveways and parking spaces. Stone or concrete paving slabs would provide external circulation and a perimeter to the new dwellings.
- 1.6 The application site extends to approximately 0.14 hectares and is located within the Development Limits of Raskelf which is identified as a Secondary Village within the Core Strategy's Settlement Hierarchy (Policy CP4). The site is currently occupied by the Three Tuns Inn (pub / restaurant), which sits at the junction of West Moor Road and North Road.
- 1.7 The Three Tuns is one of two public houses in Raskelf. The original building has been extended several times, with a single storey addition to the side and two-storey extensions to the rear. The external walls are covered in white render with a pantile roof above. A

modest porch and pub sign above characterise the front elevation, whilst two substantial chimney stacks are position at either end of the main roof.

- 1.8 A small landscaped area sits between the pub's front elevation and the main road. A side access leads to a gravel covered customer car-park and out-buildings currently used for storage. The existing site entrance would be upgraded and reconfigured to serve the proposed development. A landscaped driveway leads to an area of dedicated parking for Plot 1 and onward access to Plots 2 and 3 and the related garaging, circulation and parking provision (9 spaces in total excluding garages – 3 per dwelling). A short length of footpath would be constructed to the front and side of the pub.
- 1.9 The application site is surrounded by established residential properties and their associated gardens on all sides. Raskelf village is characterised by a mix of detached, semi-detached and terraced units of varying architectural style and age but has retained a traditional North Yorkshire Village feel.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 13/00384/FUL - Demolition of existing public house and construction of 10 flats and 2 dwellings (Withdrawn on 04.06.2013 in response to concerns raised about the design, layout and scale of the proposed development).

3.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework – March 2012

- 3.1 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.
- 3.2 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

Core Strategy Development Plan Document – Adopted April 2007

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies Development Plan Document – Adopted February 2008

Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP12 - Delivering housing on "brownfield" land
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP38 - Major recreation
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains

Other Relevant Documents

Affordable Housing SPD
Public Open Space, Sport & Recreation SPD
Sustainable Development SPD

4.0 CONSULTATIONS

Raskelf Parish Council

- 4.1 Objects to the application. The Parish Council considers the plans to be inaccurate, with properties being incorrectly recorded on the plans with inaccurate distances. The Parish Council requests that the application be determined by the Planning Committee and that a Parish Council representative be invited to the site visit.

NYCC Highways

- 4.2 Comments on the amended are awaited.

Yorkshire Water

- 4.3 No objections subject to conditions.
- 4.4 The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site.
- 4.5 Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation.
- 4.6 The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. Alternatively, surface water may discharge to the public sewer network (subject to some evidence that other means of surface water disposal have been considered). Discharges to the public sewer must be on a like for like basis and take into account climate change i.e. have a reduction of a minimum of 30%. The developer will have to demonstrate positive drainage to the

public sewer to the satisfaction of YWS/the LPA by means of investigation and calculation (i.e. same points and rates of discharge).

- 4.7 The Development & Access Statement - Clause 5.5 Drainage (prepared by DSP Architects - Report 3988 dated 02/2013) is not satisfactory from Yorkshire Water's viewpoint as currently shown. The report does not confirm how the existing site drains currently, or where the proposed site will drain to.
- 4.8 Off-site sewerage may be required. This may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991.
- 4.9 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.
- 4.10 Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option, there is no highway drain available, if there is available capacity, and if it is not detrimental to the public sewer network and the aquatic environment. In this event, the developer will be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non-domestic flows into the public sewer network.

HDC Environmental Health Officer

- 4.11 No objections.

HDC Housing Services Manager

- 4.12 This proposal does not include any contribution towards affordable housing and therefore is not supported unless there is evidence within the viability assessment to demonstrate that this cannot be achieved. A housing needs survey was undertaken in this parish in September 2012 which identified a local housing need.

Police Architectural Liaison Officer

- 4.13 No observations.

Network Rail

- 4.14 No observations.

Public Consultation

- 4.15 The application was advertised by site notice and directly to the neighbouring residents. The consultation period expired on 10th November 2013 and six objections have been received which are summarised below:-
- a) Will result in the loss of an historic community hub / asset.
 - b) The proposal will decimate what was once a thriving business, which has failed due to recent tenants.
 - c) The pub's viability has not been properly tested.

- d) The latest application relies upon (in terms of public house viability) a very short statement from Morgan Wells, a company of which little is known.
- e) If done current and will investment into the premises, local residents struggle to see why this couldn't be an attractive business venture.
- f) The pub has been deliberately boarded up to create an image of decay in the hope of gaining support for the proposed development.
- g) Insufficient marketing has taken place.
- h) The construction of, effectively, three-storey properties is not suitable for the site and are not in keeping with the streetscene.
- i) Neighbouring properties will be overlooked, lose their privacy and lose their light.
- j) The proximity of the proposed houses to the boundary is also too close.
- k) Garden room to the rear of 2 Moorfields has not been taken into account and has been omitted from the plans. Wish to see revised plans showing the garden room.
- l) The proposed new-build dwellings are unacceptably close to the rear of 2 Moorfields.
- m) The window overlooking the garden space of 2 Moorfields should be obscurely glazed.
- n) The separation distance between the new-built dwellings would be less than 9 meters from the houses along Moorside. This is much less than the Hambleton planning guidelines. This would have the effect of boxing neighbouring properties and putting the house and garden in permanent shade.
- o) The plans the developer has submitted do not show the real footprints of the houses along Moorfields as numbers 2, 4 and 8 have been extended both one and two-storeys out towards the car park.
- p) The shrubbery, trees and other foliage on the site boundaries should be retained in order to maintain privacy.
- q) The site plans are completely inaccurate & fail to take in to account the current boundaries of the surrounding properties.
- r) A pair of semi-detached bungalows would more accurately reflect village needs.
- s) Any new development should be single storey with a low pitch roof to minimise the impact on existing neighbours.
- t) The land should be sold for additional garden space or community allotments.
- u) The car parking arrangements are over-developed.
- v) The proposed conversion of the Three Tuns Inn is questionable in the light of road safety on this junction.
- w) No affordable housing is proposed.
- x) The new plan is a considerable improvement on the previous proposal.

5.0 OBSERVATIONS

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

- a) Loss of Community Facility
- b) Location of New Housing
- c) Design & Density
- d) Protecting Amenity
- e) Sustainable Construction
- f) Highway Safety & Car Parking
- g) Drainage
- h) Affordable Housing
- i) Public Open Space
- j) Education

Loss of Community Facility

5.2 The Three Tuns Inn has been closed since November 2012. The site is currently vacant and has deteriorated significantly in recent months due to a lack of maintenance. The

Applicant claims that The Three Tuns became economically viable having suffered a legacy of closure and failed businesses.

- 5.3 Policy DP5 (Community Facilities) directs that development proposals leading to the loss of community facilities will only be permitted if:-
- i) there is a demonstrable lack of community need for the facility and the site or building is not needed for an alternative community use; or
 - ii) retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
 - iii) an alternative facility is provided or facilities are combined with other facilities which meets identified needs in an appropriately accessible location.
- 5.4 Again, the Applicant states that the pub has been marketed as a going concern for a number of years without success. However, no evidence to support these claims has been submitted with the application.
- 5.5 Several local residents have objected to the application on the grounds redevelopment of the site will result in a loss of a community and historic asset which should be properly marketed as a going concern. Local residents correctly identify that the applicant provides limited supporting evidence to show what the owners or their predecessors have done to operate or market the public house as a going concern for a realistic price.
- 5.6 However, it is important to note that only one criterion contained within Policy DP5 must be satisfied to justify the loss of this community facility. Following examination of the application, it is considered that criterion i) and iii) have been satisfied.
- 5.7 There are two public houses in Raskelf, namely 'The Three Tuns' and 'The Old Black Bull', which stands approximately 100m away from the application site. Whilst 'The Old Black Bull' has sustained itself during difficult economic times, 'The Three Tuns' has proved less successful with a record of failed attempts to operate a viable hostelry/restaurant business since 2008.
- 5.8 Three Tuns is a deceptively small building, which is position on constrained part of its wider site with little room for extension beyond that already provided. The opportunity to extend and diversify is limited. Furthermore its closure would, to some extent would strengthen 'The Black Bull' standing as the village hub and commercial viability.
- 5.9 It would be difficult to argue that two village pubs in such close proximity to each other are essential to the continued vitality and viability of village life within Raskelf. Consequently, it is considered that there is a demonstrable lack of need for the community facility and Policy DP5 is satisfied.

Location of New Housing

- 5.10 Policy DP8 of the Development Policies DPD states that "Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies".
- 5.11 The application site is located within the development limits of Raskelf as defined on the Proposals Map of the Allocations DPD.
- 5.12 In addition, the proposed development constitutes reuse of a brownfield site within a sustainable location close to existing services and amenities. Consequently, the location of the proposed development is considered to be acceptable in locational terms.

Design & Density

- 5.13 Policy DP32 stipulates that “the design of all development 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.”
- 5.14 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 5.15 The proposed scheme is considered to be of good design in accordance with the principles of the LDF and the NPPF. The new-build dwellings reflect the more traditional vernacular of the Raskelf but meet modern aspirations whilst sufficient car parking and private amenity space would be provided. Furthermore, the proposed alterations to the public house are considered to be in keeping with character of the original building and the streetscene. Clear steps have been taken by the Applicant to produce an innovative and attractive scheme that will add to the value of the village’s built environment.
- 5.16 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within planning policy. Nonetheless, local planning authorities should have regard to: the characteristics of the area; the desirability of achieving high quality, well-designed housing and the current and future level and capacity of infrastructure, services and facilities. The proposed scheme equates to a density of 21 dwellings per hectare, which in the context of the site’s village location and the nature of the accommodation proposed is not considered to represent over-development of the site.
- 5.17 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.

Protecting Amenity

- 5.18 Policy DP1 requires all development proposals to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, odours and daylight.
- 5.19 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 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 CABI). 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.
- 5.20 The proposed new-build dwellings would stand over 21m from the main elevations of neighbouring properties on Moorfields to the north-west, 14m from those properties on Moor Road to the south-west and over 26m from neighbouring properties on North Road to the south-east. These measurements meet and, in some cases, exceed the Council’s indicative separation distances.

- 5.21 Several neighbouring properties located have been extended at ground floor level. In most instances, these rear extensions would overlook the proposed garden space of Plots 2 and 3 with the exception of 4 Moorfields, which would be positioned approximately 11m from the two-storey side elevation of Plot 2. The owner/occupier of 4 Moorfields has objected to the application on the grounds that the new build-dwellings would be overbearing and result in a loss of light and privacy.
- 5.22 With regards to privacy, Plot 2 would include a single first-floor window (serving a landing) facing directly towards the side garden space of 4 Moorfields whilst two ground-floor windows would be screened by an approximately 1.8m high boundary fence and mature planting. Consequently, no overlooking from habitable room windows would occur however a condition to require the obscure glazing of the landing window on Plot 2 would be appropriate.
- 5.23 In terms of overbearing impact and loss of light, it is acknowledged that Plot 2 would not be positioned the full 14m from the rear of 4 Moorfields and, as a result, the owner/occupiers would experience some loss of aspect from ground floor windows. However, the outlook from these windows is currently restricted by the established boundary fence and mature planting. In addition, views from 4 Moorfields would be towards a steep gable-end and therefore some views of the sky beyond will be maintained. 4 Moorfields stands directly to the south-west of the application site, and therefore sunlight will only be lost during the early hours of the morning.
- 5.24 The owner/occupiers of 4 Moorfields will experience some impact. However, on balance, this impact is insufficiently harmful to justify refusal of the application.
- 5.25 The proposed conversion would utilise existing windows at first floor level. These windows currently serve the residential accommodation associated with the public house. Therefore, no additional loss of amenity would occur as a result of the proposed change of use and external works. New patio doors are proposed at ground floor level, but views into neighbouring gardens would be screened by a combination of boundary treatment and planting.
- 5.26 Finally, it is considered that use of the site for residential purposes is preferable in terms of the impact on amenity generally than a viable pub/restaurant business.

Highway Safety & Car Parking

- 5.27 The Local Highway Authority (LHA) does not object to the principle of the development but has requested various amendments. Amended plans have been received and the final comments of the LHA are awaited in this respect.
- 5.28 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.”*

- 5.29 The proposed development contains 9 car parking spaces which equates to approximately 3 parking spaces per dwelling. In addition, 2 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.

Drainage

- 5.30 Yorkshire Water has confirmed that the local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site.
- 5.31 The Development & Access Statement - Clause 5.5 Drainage (prepared by DSP Architects - Report 3988 dated 02/2013) does not confirm how the existing site drains currently, or where the proposed site will drain to. Nonetheless, Yorkshire Water has no objection to the development in principle subject to drainage details being secured via pre-commencement conditions.

Affordable Housing

- 5.32 Policy CP9 stipulates that housing development of 2 dwellings or more within the Easingwold hinterland should make provision for 50% affordable housing which is accessible to those unable to compete on the local housing market. Although, the actual provision on site will be determined through negotiations, taking into account viability and the economics of provision.
- 5.33 The Applicant has considers that the proposed development is unable to deliver any affordable housing on site due to viability constraints. An 'Economic Viability Appraisal' (EVA) has been submitted by the Applicant and has been passed to the Council's Consultant Surveyor for scrutiny. Following the receipt of the Surveyors' findings, the Council will need to decide whether or not to agree a reduction in the level of affordable housing or whether alternative concessions should be made e.g. reducing developer contributions. Should Members be minded to grant planning permission, it is recommended that this outstanding matter be deferred to the Planning Manager for determination.

Public Open Space

- 5.34 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 5.35 Given that no public open space can be provided on site, the Applicant has agreed to pay a commuted sum of £ 12,128 towards off-site provision in accordance with Policy DP37.

Education

- 5.36 Policy DP2 requires contributions from developers towards additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children (criterion v).
- 5.37 The Local Education Authority has identified an anticipated need for one new school place arising from the development. This will result in a shortfall of twelve school places at Easingwold Community Primary School and therefore a contribution of £10,197 has been requested. The Applicant's response is awaited.

6.0 SUMMARY

- 6.1 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the application as amended subject to the signing of a s.106 agreement covering contributions towards public open space, sport and recreation facilities and/or education provision.
- 6.2 The proposed involves the use of brownfield land within a sustainable location and is appropriate in terms of design, scale and massing to its location without detriment to established residential amenity and therefore complies with the above policies of the Hambleton Local Development Framework.
- 6.3 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

- 7.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following conditions:-

1. Commencement

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

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

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered (all prefixed 3988(05)10) 01 Rev.C, 06 Rev.C, 20 Rev.A, 21 Rev.A and 22 received by Hambleton District Council on 20th September 2013 and drawings numbered 10 Rev.E received by Hambleton District Council on 11th November 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**

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

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

5. **Boundary Treatment Construction**

No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.

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

6. **Landscaping Scheme**

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

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

7. **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.

8. **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.

9. Foul & Surface Water Drainage

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

Reason: To ensure that the development can be properly drained.

10. No Piped Discharge of Surface Water

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 no foul or surface water discharges take place until proper provision has been made for their disposal.

11. 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.

12. Obscure glazing

The windows above ground floor level on the west elevation of the building on Plot 2 shall at all times be glazed with obscured glass and shall not be capable of opening.

Reason: To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policy CP1 and DP1.

13. Highway Conditions

To be added.

Parish: Romanby

Ward: Romanby

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13/02345/FUL

Committee Date : 5 December 2013

Officer dealing : Mrs T Price

Target Date: 31 December 2013

Construction of an agricultural building to cover existing manure store

**at Romanby Grange Boroughbridge Road Northallerton North Yorkshire
for R.E. Phillips & Son.**

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 Planning permission is sought for the construction of an agricultural building to cover an existing manure store at Romanby Grange, Boroughbridge Road in Northallerton.

1.2 Romanby Grange is a 670 acre agricultural holding located off Boroughbridge Road on the southern edge of Romanby. The farm consists of a farmhouse & office and numerous agricultural buildings used for a pig breeding enterprise.

1.3 The building is to measure 19.2m X 6.09m with a maximum height to eaves and ridge of 5.715m at the northern section. The cover will be a steel portal frame construction with durable concrete panels forming the walls and traditional Yorkshire boarding above with natural grey fibre cement roof tiles. The proposal will closely follow the shape of the existing buildings by extending the 'V' shape over the existing manure storage area.

1.4 The purpose of the proposed building will be to cover an existing manure storage area to the north of the farm. The building will be part funded by a grant from 'Catchment sensitive farming' as it will help to reduce the risk of dirty rain water run off from reaching rivers and water courses. By covering the existing storage area no rain water will fall directly onto the stored manure. The building will not change the existing use.

1.5 Residential properties on Oaktree Drive are located approximately 57m to the north. Open farmland surrounds the farm to the east, west and south.

1.6 The Applicant is an Elected Member of the Council.

2.0 RELEVANT PLANNING HISTORY

2.1 2/95/123/0487A - Construction of an agricultural building for the accommodation of livestock (Granted 15.09.1995)

2.2 AN2/96/123/0487B - Application of Prior Notification to construct a tractor and feed store (Granted 03.12.1996)

2.3 11/02590/FUL - Construction of a pig farrowing building (Granted 18.01.2012)

2.4 11/02591/FUL - Construction of a weaner grower building and silo (Withdrawn on 18.01.2012)

2.5 11/02592/FUL - Construction of a sow building (Withdrawn on 18.01.2012)

2.6 12/00999/FUL - Construction of a pig farrowing building as amended by plans received on 27th July 2012 (approved 19.07.2012)

2.7 12/01000/FUL - Construction of a weaner grower building and silo as amended by plans received on 27th July 2012 (approved 27.07.2012)

2.8 12/0098/FUL - Construction of a sow building as amended by plans received on 27th July 2012 (approved 27.07.2012)

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP30 - Protecting the character and appearance of the countryside

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

Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - No observations

4.2 Highways at NYCC - No objection

4.3 Environmental Health - Have considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that the enclosure of the existing manure storage area with a building will not cause a negative impact and may even help reduce potential for odour from the manure affecting neighbouring properties. Therefore the Environmental Health Service has no objections.

4.4 Neighbours notified and site notice posted, last expiry 02.12.2013 - No comments received.

5.0 OBSERVATIONS

5.1 The main issues are whether the proposed agricultural building is appropriate in location and design for the purpose and whether the design is appropriate to the rural surroundings and whether it is in accordance with CP16, CP15, DP30, CP17, and DP32 and whether there would be any harmful effect on the amenities of neighbouring occupiers.

5.2 It is considered that the principle of the agricultural building to cover an existing manure store is acceptable to reduce potential harm to water quality. The building will abut an existing agricultural building and will not be isolated or obtrusive in the surroundings and will be viewed with a backdrop of existing agricultural buildings.

5.3 Policy DP32 of the Development Policies DPD requires all development to be of the highest quality. The proposed design is common to other agricultural buildings seen throughout the District, as a building of 'normal' design that is seen as part of a group of agricultural buildings the building will not cause significant harm to the character or appearance of the landscape. Furthermore, the careful choice of colour and non-reflective materials in the finish of the buildings roof and facade will help reduce its immediate presence within the landscape.

5.4 The use of the land will remain unaltered. Neighbouring properties located to the north on the Oak Tree Drive estate are located over 57m away. It is considered that covering the existing site may reduce any impact the residents may have occurred with regard to odour. As the building will be viewed with a backdrop of other agricultural buildings and will not be constructed further forward of the building line it is considered that the visual impact to these residents will not be significantly affected.

5.5 The Local Highways Authority and this Council's Environmental Health Officer has no objection to the works. For the reasons set out above the application is recommended for approval.

SUMMARY

Due to its design location and materials the proposal is appropriate to the surroundings and is able to comply with the above policies.

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 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC01, YSB1542-GA1/GA2 received by Hambleton District Council on 5th November 2013 unless otherwise approved 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 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, DP30, 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.

Parish: Romanby
Ward: Romanby

Committee Date : 5 December 2013
Officer dealing : Mrs B Robinson
Target Date: 2 December 2013

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13/02047/OUT

**Revised outline application for the construction of a detached dwelling with attached garage.
at 60 Boroughbridge Road Northallerton North Yorkshire DL7 8BN
for Mr & Mrs D Hartley.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is part of a large rear garden to a detached two storey house. The house is set back approximately 25 metres from the road. There is a detached garage, set back from the house. At the rear, the existing garden extends back approximately 44 metres, and is 24 metres wide. The rearmost part of the garden (approximately 9 metres) is slightly higher (approximately 40 cm). The boundary to the rear garden is hedged and has two fairly mature trees on the south boundary, towards the south west corner. One is a conifer, and one a silver birch.

1.2 To the north, the neighbouring property, no 58, is a detached bungalow. It has a detached garage with rear workshop located close to the boundary with no 60. To the south, no 62 is two storey and also has a garage on the boundary with no 60. Nos 58 and 62 are similarly proportioned large plots.

1.3 To the west, nos 34 and 38 Newsham Way each have a side garden along the road frontage, and short rear gardens to the east. 34 Newsham Way is an extended bungalow with dormers front and rear. It has new garage along the west boundary of the application site. No 38 Newsham Way is a simple semi-detached bungalow and has a flat roofed addition, 3.5 x 7 metres at the rear (east) side.

1.4 The proposal is outline consent for a dwelling, with access and layout to be considered all other matters are reserved for later consideration. It is indicated that it would have 3 bedrooms, and will include room(s) in the roof. The main plot size is 22 x 23 metres, and is at the rear of the present garden. The plot boundary is approximately 20 metres from the rear elevation of the existing house. A new access drive is proposed to serve the new dwelling, on the south side of the existing house. The drive includes a passing place.

1.5 The proposed layout (which is to be considered at this stage) shows the dwelling sited approximately 8 metres from the west boundary, 5 metres (minimum) from the north boundary and 3 metres (average) from the south boundary. The proposed dwelling and has a footprint 10 x 8.5 for the main part of the dwelling and shows a single storey garage 4.5 x 6.5 metres on the south side and a dormer on the east side, facing the existing house.

1.6 Cross sections have been submitted showing the house will be levelled down and indicating eaves and ridge levels in relation to the neighbouring dwellings. Hedges and mature trees are shown as being retained, with crown lifting as required.

2.0 RELEVANT PLANNING HISTORY

2.1 13/00777/OUT Outline application for the construction of a detached dwelling. Withdrawn. This proposed was shown to be about 1.4 metres closer to the north boundary, and was indicated to have a west facing dormer.

3.0 RELEVANT PLANNING POLICIES:

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

National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - expiry 29.10.2013 - no response received

4.2 Neighbours and site notice -

Observations received on behalf of one neighbour.

Comment that impact is difficult to assess without details of windows and height of gable wall facing neighbouring property.

Comment that the design and access statement does not give detail of how the design changes of the latest proposal address issues of proximity to boundary, and privacy.

Comment that the application form states there are no trees on the application site but site layout plan shows that there are trees and some need to be felled to accommodate the proposal.

Conclude that application should be refused on basis of insufficient information, and that applicant should be invited to submit a detailed application. Supplementary drawings elevations and sections should be submitted in support of this proposal and new consultations carried out before a decision is made.

4.3 Re-consultations expire 1.12.2013

4.4 NYCC Highways - Conditions requested.

4.5 Environmental Health - No objections

4.6 Yorkshire Water - expiry 29 October 2013

5.0 OBSERVATIONS

5.1 The site is within the development limits of a market town where the principle of a new house is acceptable, and the main issues to be considered are whether the site is capable of accommodating the dwelling proposed without harm to the amenities of neighbouring occupiers or residents of the proposed dwelling (CP1, DP1), or the streetscene (CP17, DP32) or wider surroundings. Other issues are the provision of public open space (CP19, DP37), the North Northallerton Link Road (DP2) and highway safety.

5.2 Within the wider surroundings, the proposed dwelling would be viewed primarily from Newsham Way. It would be partially screened by hedging which is intended to be retained. It would be set back from the Newsham Way houses, and as a low two storey dwelling, would be in keeping with the streetscene there, particularly following the new development at no 34 Newsham Way, which includes a raised ridge and dormers on the front elevation.

5.3 With regard to the amenities of neighbouring occupiers, the proposed layout shows a distance of 26 metres to the facing elevation of the existing house at number 60, and subject to appropriate screening, details of which can be secured by condition, it will not lead to unacceptable loss of privacy. At 26 metres a dormer window could reasonably face the existing two storey dwelling, without unacceptable harm to mutual amenities. The view from the proposed dwelling towards neighbouring properties on Boroughbridge Road would be angled, and will be

similar in effect to the general overlooking that might normally be expected between houses in a built up residential area.

5.4 With regard to the amenities of occupiers at Newsham Way, the indicative details show the main orientation of the dwelling will be east-west, towards the existing house and Newsham Way. There will not be a direct line of sight towards the windows of neighbouring properties on Newsham Way. There is potential for any gable windows to overlook neighbouring gardens, however this is a matter that can be controlled, through the reserved matters relating to window and door positions and use of obscure glazing.

5.5 The existing rear boundary of no 60 Boroughbridge Road penetrates very close (approximately 1 metre) to the south east corner of no 38 Newsham Way. The side window to the existing extension at number 38 Newsham Way is screened by a mature beech hedge approximately 2 metres high, and will preclude any direct outlook towards the new dwelling. From east facing windows at 38 Newsham Way, the proposed dwelling would be viewed at an angle and would be offset from the boundary by approximately 5 metres. Indicative sections show that taking into account the levelling of the ground down to the lower level of the existing garden, the eaves level of the new dwelling is capable of being lower than those of 38 Newsham Way, and will have the effect of making the new dwelling relatively subordinate. The position of the new house would result in the highest part of the roof lying south of the rearmost part of the garden of 38 Newsham Way, where the sun will be at its highest at any given point in the day, and the effect on sunlight reaching the garden will not be unacceptable.

5.6 With regard to no 34 Newsham Way, the proposed house is to the north of the boundary, where it will not affect sunlight reaching the garden. The proposed layout indicates a single storey garage on this side, and as a result the higher parts of the proposed house would be approximately 8 metres from the boundary. Due to this offset, and the angle of view from affected windows, the proposed dwelling will not be obtrusive in the outlook from the house concerned. The windows on the facing elevation can be required to be obscure glazed.

5.7 The retention of trees on the south west side will help soften the impact and minimise any overlooking between no 34 Newsham Way and the proposed dwelling. Retained hedges will help screen outlook from ground floor windows and day to day garden activity.

5.8 With regard to highway safety, the site provides off street parking and space for turning. No objections are raised by the NYCC Highway Authority and this aspect is therefore considered satisfactory.

5.9 The site does not provide any public open space and the applicants have provided a (draft) unilateral undertaking to pay the sum of £3341.31 on commencement of the development, which is in accordance with the tariff contained in the Recreation and Public Open Space Supplementary Planning Document and a contribution of £4188 on the basis of a 3 bedroom dwelling towards the North Northallerton Link Road.

5.10 With regard to the comments of neighbours, as indicated above, the proposed layout allows sufficient understanding to establish that a detailed scheme could be arranged to avoid concerns about window details and overlooking. The supplied details indicate trees on the site and which are intended to be retained, and control can be exercised over this element by condition. Sections have been produced that show the prospective ground floor levels and the likely resulting ridge levels and provide an appropriate level of information to assess whether there is scope for an acceptable detailed design to be produced.

SUMMARY

Due to its size and location the proposal is capable of providing for a dwelling without unacceptable harm to the amenities of neighbouring occupiers or the surroundings and is therefore able to comply with the above policies.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the previous application 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

9.0 RECOMMENDATION:

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

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of the outstanding reserved matters have been submitted to and approved by the Local Planning Authority: (a) the design, and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site and, (c) the layout of the proposed site and ancillary spaces including parking and any external storage areas.
3. 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.
4. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
5. The development shall not be commenced until tree guards, comprising chestnut pale fencing, at least 1.5 metres high have been erected on the perimeter of the branch spread (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority

6. Hedges along the north, west and south boundaries shall be retained and shall not be reduced in height below 1.5 metres, unless otherwise agreed in writing by the Local Planning Authority.

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

8. The dwelling shall not be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 7 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

9. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

10. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 9 above.

11. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The crossing of the highway verge and footway shall be constructed in accordance with Standard Detail number E6 (ii) Any gates or barriers shall not be able to swing over the existing or proposed highway. (iii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular parking and turning arrangements

14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 13 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
4. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
5. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
6. The hedges are important in terms of the amenity of the site and are worth of retention in accordance with Local Development Framework Policy CP1 and DP1.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
11. In accordance with policy number CP2 and DP4 and in the interests of highway safety.
12. In accordance with policy number CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
13. In accordance with policy number CP1 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
14. In accordance with policy number CP1 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Parish: Topcliffe
Ward: Topcliffe

8

Committee Date: 05 December 2013
Officer dealing: Mr Jonathan Saddington
Target Date: 28 October 2011

11/01435/FUL

Formation of an improved junction of the A168 (T) and B1448 to permit northbound and southbound movements as amended by plans received by Hambleton District Council on 1st November 2013 and 21st November 2013 at Land At Topcliffe Road Junction (A168 & B1448), Topcliffe, Thirsk, North Yorkshire for Castlevale Group, Broadacres & Messrs Sowerby

1.0 BACKGROUND

- 1.1 At Planning Committee on 8th December 2011, Members resolved to grant planning permission for the formation of an improved junction of the A168(T) and B1448, subject to the lifting of a 'Holding Direction' by the Highways Agency. Since that time, discussions have been on-going between the Applicant and the Highways Agency with regards to agreeing a safe and suitable layout for the junction.
- 1.2 A further report was presented to Planning Committee on 19th July 2012, examining the implications of the National Planning Policy Framework (NPPF), which came into force on 27th March 2012. Members resolved that the Planning Committee's previous resolution to grant planning permission was consistent with the aims and objectives of the NPPF.
- 1.3 The most recent junction layout (Rev.D) has been approved by the Highways Agency under their departures procedure and the Holding Direction (TR110) was subsequently released on 26th November 2013.
- 1.4 Since Revision 0 (i.e. the First Issue) the following amendments have been made:
 - Splitter Islands added at the roundabouts.
 - Access to Hagg House amended.
 - Verge widening added to the northbound and southbound diverge slip roads to provide satisfactory Stopping Sight Distance.
 - Southbound Roundabout moved east to provide a larger approach radius from the southbound diverge slip road.

2.0 PROPOSAL & SITE DESCRIPTION

- 2.1 The junction improvements are identified as being a requirement of the strategic allocation for Thirsk, TM2 of the Allocations Development Plan Document which is the subject of hybrid application (part outline / part detail) for the delivery of a strategic mixed use development (see relevant planning history below for more details).
- 2.2 The proposed all-movements junction has a slip road carriageway width of 3.3m (as a minimum), with widening on curves as necessary to allow for the swept path of large goods vehicles. Stopping sight distances, and visibility splays will be maintained where necessary by verge widening.
- 2.3 The detailed design of the proposed junction will be carried out in accordance with the requirements of the Design Manual for Roads and Bridges and the Manual of Contract

Documents for Highway Works. Further information on the detailed design is shown on drawing ref: 1020530/SK/38 Rev.D

- 2.4 A Transport Assessment has been submitted with the application which considers the impact of a multi-directional intersection between the B1448 and the A168 to the south of Thirsk. Other supporting documents have been submitted, including: and Arboricultural Report; Noise Survey; Air Quality Report; Drainage Statement and a Phase 1 Habitat Survey.
- 2.5 The site comprises a junction off the A168, surrounded by young broad-leaved and mixed woodland plantations, arable fields, tall shrubs, sections of coarse grassland with small strips of amenity grassland, dry ditch, scattered trees and a hedgerow. The site is divided in two by the A168 with one fly over connecting the two halves. The fly over carries traffic heading south from Thirsk to join southbound traffic on the A168 carriageway.
- 2.6 The site is surrounded by arable fields and set within the open countryside. The nearest town, Thirsk, is 1.62 kilometres to the north with Topcliffe Airfield less than 600 metres to the south-west. Running south-east to north-east lies a watercourse approximately 850 metres away at its closest point.
- 2.7 No buildings are situated within the site boundary, however three houses and a farmstead lie immediately to the north (approximately 100m away) and a second farmstead lies immediately to the west (approximately 95m away). The housing and farmsteads are surrounded by associated gardens, pastures and tree lines.

3.0 RELEVANT PLANNING HISTORY

- 3.1 10/02373/OUT - Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered at Land off Topcliffe Road and Gravel Hole Lane, Sowerby, North Yorkshire – (Granted on 21.08.2012)

4.0 RELEVANT PLANNING POLICIES

- 4.1 The relevant policies within the Development Plan and National Policies are as follows;

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

Core Strategy Policy CP1 - Sustainable development

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

Development Policies Development Plan Document – Adopted February 2008

Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

Policy TM2 – South West Thirsk Area

5.0 CONSULTATIONS

Original Consultation (December 2011)

Topcliffe Parish Council

5.1 No comments received.

Sowerby Parish Council – 12.09.11

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

Sowerby Parish Council – 16.09.11

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

- a) The planning application 11/01435/FUL (A168 Four Way Junction) provides a new Traffic Assessment for the Sowerby Gateway Development which supersedes that previously issued as part of the Sowerby Gateway application.
- b) Traffic flows at the critical junctions at Topcliffe Road roundabout and at Kirkgate have been improved but are still beyond capacity at 2026 with the development of Sowerby Gateway.

- c) Further improvements at Topcliffe Road roundabout are noted in the Traffic Assessment as being constrained due to the fact that the junction is within a Conservation Area.
- d) The provision of a new connection between Topcliffe Road and Station Road at Carlton Miniott is considered to be the only way to significantly reduce capacity issues at Topcliffe Road Roundabout.
- e) The proposed geometry of the new A168 connection is sub-standard and of a type that is being removed elsewhere in North Yorkshire. The proposed alignments degrade the existing slip road alignments and are likely to cause significant safety hazards. Alternative alignments are possible which would significantly improve on those proposed.
- f) Recommend that the planning application as presented be rejected by Sowerby PC but that the developer be encouraged to present improved proposals.
- g) Requested that the present applications for the Sowerby Gateway and the A168 junction be combined as they are not capable of being dealt with separately as is evidenced by the inclusion of the Traffic Assessment for Sowerby Gateway being presented as part of the A168 junction application.

Sowerby Parish Council – 12.10.11

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

Thirsk Town Council – 20.09.11

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

Thirsk Town Council – 06.10.11

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

NYCC Highways

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

The Highways Agency

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

Natural England

- 5.9 From the information provided with this application this proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal an EIA development.
- 5.10 We note that an ecological survey has been provided with this application. The survey indicates that both Reptiles and Bats may be impacted by this development and the report recommends that a Reptile Survey and a Bat Activity Survey are undertaken.
- 5.11 If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.
- 5.12 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Yorkshire Wildlife Trust

- 5.13 The conclusions given within the Phase 1 Habitat Survey are reasonable given that the area is already disturbed and has recent plantings. Recommend that the suggested surveys for badgers, bats and reptiles are conditioned and that a wildlife friendly planting plan for the junction is drawn up.

The Environment Agency

- 5.14 The proposed development will only be accepted if the following planning condition is imposed:-
- 5.15 The development hereby permitted shall not be commenced until such time as a detailed surface water drainage scheme, in line with the principles of the Drainage Statement submitted by Mouchel, has been submitted to, and approved in writing by, the local planning authority.
- 5.16 The watercourse shown on the plans flows into Cod Beck Internal Drainage Board (IDB). As such the IDB should be consulted regarding the application.

Shire Group Internal Drainage Boards

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

Environmental Health Officer

- 5.18 No objections.

Senior Scientific Officer

- 5.19 The report highlights a predicted exceedance of the NO₂ annual mean objective at the 2011 baseline scenario. Given the close proximity to the A19 the main source of pollution is vehicle exhaust emissions. The ADMS model predicts concentrations based on numerous inputs, such as background concentrations and traffic data. As with all models there is a degree of inaccuracy and one model will give a different result to another model. Therefore, when reporting air quality results to Defra as part of the Councils responsibilities under Local Air Quality Management (LAQM) monitored results should be used in preference to modelled results, where ever possible.

- 5.20 As we have not conducted any monitoring exercises at Halfway House, we cannot say, other than through the results of the modelling submitted, whether any exceedances are occurring or are likely to occur in the future. What we can do though, is to compare results from a comparable site to the Halfway House site. One such site, which I consider comparable to Halfway House, is located at Jeater House on the A19 north of Thirsk. HDC has monitored NO₂ at Jeater Houses since 1999. The site is approximately 10m from the edge of the A19, which is approx 2m closer to the A19 than the façade of Halfway House is to the edge of the A19. Therefore, our site at Jeater Houses can be considered a worse case scenario. On this assumption, if there are no exceedances at Jeater Houses in a given year, then we can be confident that there would not be any exceedances at Halfway House in the same year.

- 5.21 The 2010 annual average for Jeater Houses was reported to, and accepted by, Defra as 36.2ug/m³ (against the objective of 40ug/m³). The results for 2011 will not be available until Jan/Feb 2012 however the current concentrations are below the annual average and are expected to be less than 40ug/m³ at the end of the year. We can safely assume that if there are no predicted exceedances from the monitored results at Jeater Houses then it is unlikely there would be an exceedance at Halfway House. Despite the ADMS model predicting an exceedance for the 2011 baseline NO₂ concentrations at Halfway House, from our monitoring work it is unlikely there will be any exceedances and therefore I see no need to request additional mitigation measures as part of this development.

Publicity

- 5.22 Neighbouring occupiers were consulted in writing, a site notice was erected close to the application site and an advert appeared in the local press. The period for replies expired on 4th October 2011. 14 individual objections were received and have been summarised as follows:-
- a) Serious traffic hazard to owners, visitors and heavy agricultural vehicles accessing land and property from the B1448.
 - b) Will create a problem for refuse collection from properties at Hagg House.

- c) Seriously impair the southerly views from properties at Hagg House.
- d) Increase in traffic noise – disturbance in gardens and inside dwellings.
- e) Will affect property values.
- f) Removal of mature trees goes against environmental policy.
- g) Low cost solution.
- h) The north bound exit slip road, towards Sowerby, has a short slip road which turns at right angles into the face of oncoming traffic wanting to enter the A168 to go north. The speed of this exiting traffic I predict would be quite considerable and could conflict with oncoming traffic.
- i) This slip road terminates in a 'T' junction which is reminiscent of the T junction giving access to the Northern end of the Easingwold by-pass. This was changed to a roundabout after a very short time because of the number of fatal and serious accidents.
- j) A further hazard with this 'T' junction is that on busy occasions traffic will back up onto the dual carriageway making this an extremely dangerous stretch of road.
- k) The same applies to the on and off slip road on the southbound A168. High speed traffic wishing to enter the A168 from the slip road will be confronted by traffic exiting the A168 which will have had to slow down from 70mph (and more) to about 20 mph to safely negotiate the bend at the beginning of the slip road.
- l) Although the A168 is not designated a motorway the same general advice given in 'The Highway Code' for entering and leaving motorways will be followed by motorists. i.e. that you should build up your speed in the slip road to that of the traffic already on the motorway. These slip roads would not allow a driver to do that
- m) This junction is not suitable for the speed and volume of traffic that will use the junction. What is required for safety and the free flow of traffic is a traditional motorway junction with an overhead roundabout system with proper slip roads leading on and off this extremely busy highway.
- n) Slip roads where both oncoming and off going traffic are sharing the same slip road seems hazardous. I am aware there are similar junctions on the A168, but these I would suggest are less used junctions, whereas this junction would be heavily used by cars and commercial vehicles when the Sowerby new town development starts to be constructed.
- o) Topcliffe Road from the bottleneck at Town end and all the way along to the junction of the A168 is already a problem without the thought of northbound traffic and (perhaps) the added amount, which the proposed extension to Sowerby would bring.
- p) Would it not be sensible to make a junction on the Sutton Road onto the B168 instead of just a fly-over?
- q) The bridge has a 7.5 tonne limit that makes the extended development of this as a 4-way interchange pointless unless the bridge is strengthened and I see no proposal to do so.
- r) Concerned that this will have a negative impact on the access to Oak Tree Cottage, Hagg House Track
- s) When there is an existing track on the opposite side that surely could be utilised and improved for the benefit of northbound traffic. This would seem to be a much more logical and cost effective solution.
- t) It cannot be assumed at all that traffic bound for Sowerby Gateway to or from the north on the A19 will use this exit.
- u) It is considerably cheaper in terms of fuel costs to travel to and from Sowerby Gateway via either the centre of Thirsk or via Blakey Lane. Therefore the interchange may not be used as frequently as might be anticipated and it won't necessarily reduce or alleviate traffic pressure in Thirsk and Sowerby.
- v) This B road does not benefit from general winter road maintenance i.e. snow ploughing and salting.
- w) This proposal aims to re-use the existing bridge over the A168 which is sensible and cost effective but brings with it the potential for danger. It also intends keeping the road as currently laid out merely changing it from what is effectively a dual carriageway into a two way road.
- x) Ever since this road was built it has been a dual carriageway and unless there is a

substantial change will remain in drivers' minds for a long time. Consequently a major redesign is required to ensure drivers do not lapse into thinking the layout is the old one. Suggested alternative with a roundabout either side of the bridge.

- y) This junction is irretrievably attached to the 'Sowerby Gateway' application 10/02373/OUT and cannot therefore be separated from this application unless 10/02373/OUT is officially either withdrawn or re-applied.
- z) TM2 is an integral part of the LDF which has been approved by the Secretary of State; the LDF would have to be re-submitted to the Inspector.
- aa) The application is premature because the Allocations DPD upon which it and its associated development site rely is subject to legal challenge. The application should be held in abeyance has been dealt with and then refused.
- bb) The site linked to the application and subject to an associated outline application is less sustainable than alternative sites in the settlement as indicated by paragraph 2.177 of the Inspectors' report into the Allocations DPD.
- cc) Concerns raised about the accuracy and reliability of the traffic data provided by Mouchel. The application should not be considered until those matters have been satisfactorily resolved.
- dd) The application will lead to construction and subsequent traffic going through Thirsk Market Place and along Blakey Lane, Gravel Hole Lane and South Moor Lane. The result would be complete gridlock.
- ee) Cost should be borne by the developer
- ff) Light pollution
- gg) Any trees that are cut down should be replaced.
- hh) Every effort to minimise the impact of the scheme should be made
- ii) Speed limit should be introduced
- jj) Works to the junction should be carried out quickly in order to cut down on disruption
- kk) Public consultation has been poor
- ll) Various objections raised to application 10/02373/OUT

Re-Consultation (November 2013)

Topcliffe Parish Council

- 5.23 Wish to see the current weight limit maintained and enforced. A lower speed limit may be required as it is difficult for the properties along the B1448 to pull out safely. Wish to see the junction and adjoining slip roads screened by trees.

Sowerby Parish Council

- 5.24 Comments awaited.

NYCC Highways

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

The Highways Agency

- 5.26 No objections subject to conditions. TR110 (Holding Direction) lifted on 26th September 2013.

HDC Environmental Health Officer

- 5.27 I have looked at the revised application and it is not clear to me the extent to which the site layout has been changed. I presume that the altered layout will have negligible impact in terms on the noise generated and, assessed by Philip Dunbavin Acoustics Ltd as having the largest predicted increase of +2.5dB occurring at first floor level at the Hagg House property boundary. So long as this is the case then I have no objections but would recommend that this presumption be confirmed by the acousticians who undertook the original noise assessment.

Swale & Ure Drainage Board

- 5.28 Any increase in the existing paved area will result in an increase in run-off which should be attenuated at 1.4l/s/ha newly paved area. The new highway drainage proposals would connect in to the existing A168 pipe drainage network, which discharges in to Topcliffe Road Stell on the south side of the A168.
- 5.29 The watercourse is adopted by the Drainage Board and the Board's Byelaws apply 9m inland from both banks. Byelaw consent will be required for any works within the byelaw strip. Topcliffe Road Stell also exists as an existing watercourse on the north side of the A168 up to OSNGR SE 41980 78915, and which point it crosses under the A168 and continues towards Dalton Bridges where it joins Cod Beck which is Main River. This section alongside the A168 is never maintained by the Board because of Health and Safety risks. Any new outfalls to Topcliffe Road Stell may be subject to consent under s23LDA1991.

Environment Agency

- 5.30 No comments received.

Natural England

- 5.31 No comments received.

Yorkshire Wildlife Trust

- 5.32 No comments received.

Public Consultation

- 5.33 Neighbouring occupiers were consulted in writing, a site notice was erected close to the application site and an advert appeared in the local press. The re-consultation period expired on 22nd November 2013. Two objections were received which are summarised as follows:-

- mm) Understand that the new junction/roundabouts are being moved further up the A168. So that means to go North you have to go half way up the A168 and then double back. I totally object to this proposal and cannot see what sense it makes.
- nn) The revised junction of the B1448 to A168 seems to be a long way south of the Gateway development necessitating the taking of yet more agricultural land for highways. Why can't we update the existing junction as originally proposed?

6.0 OBSERVATIONS

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

Principle of Development

- 6.2 Paragraphs 18 to 22 of the NPPF explain the Government's commitment to securing economic growth in order to create jobs and prosperity and meeting the twin challenges of global competition and of a low carbon future. The Government wants to ensure that the planning system does everything it can to support this objective. The proposed development responds to this objective by facilitating the delivery of Allocation TM2.
- 6.3 Policy TM2 of the Allocations DPD identifies land at South-West Thirsk / Sowerby as a strategic mixed use development comprising: housing, employment, a neighbourhood centre, retail, food establishments, social and health facilities; older persons accommodation; a new primary school and other local amenities including public open space, sport and recreation facilities. This is subject to application ref: 10/02373/OUT.
- 6.4 Criterion ii) of Policy TM2 requires the formation of an improved junction of the B1448 and A168, permitting north and south movements. This new junction will provide a direct link to the A168 to the south, and thereby reducing the number of vehicles needing to travel northwards through Thirsk Market Place to access the A19 part of the Thirsk Bypass. The proposed junction improvements will be funded by the Developer.
- 6.5 In addition, Policy DP16 gives support to development that assists the economy and employment. The proposed junction improvements will facilitate delivery of TM2 and therefore is particularly compliant with: criterion iii) measures which provide infrastructure necessary to support economic development; criterion iv) ensuring the continued renaissance of the five Service Centres; ix) provision of mixed use sites and xiii) supporting transport investment which will help sustain the local economy.
- 6.6 Furthermore, Policy DP6 states that the provision of additional infrastructure will be permitted where this is consistent with the principles of sustainable development.
- 6.7 In light of the above considerations, the proposed junction improvements will help to secure economic growth by facilitating the delivery of Allocation Site TM2. The proposed development complies with the strategic objectives of the LDF and the NPPF and, therefore, planning permission should be granted without delay subject to compliance with other material planning considerations.

Protecting Amenity

- 6.8 Paragraph 123 of the NPPF states that "planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development."
- 6.9 Policy DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 6.10 A Noise Impact Assessment has been submitted with the application. Based on The Design Manual for Roads and Bridges (DMRB) assessment criteria, which describes a method for assessing the severity of a noise impact, in terms of the number of people who will be disturbed by any noise increase due to a new or altered road scheme, this would indicate a "Minor" impact in terms of increase in traffic noise, and therefore the increase would be deemed to be within acceptable level of increase.

- 6.11 Paragraph 125 of the NPPF states that “By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”
- 6.12 The Council does not have a specific policy on artificial lighting. However, as identified above, DP1 stipulates that all development proposals must adequately protect amenity, which includes the potential for light pollution.
- 6.13 An Artificial Lighting Survey has not been undertaken by the Applicant. However, the final details of artificial street lighting will be controlled by condition in order to ensure that the impact to existing residents is minimised as far as reasonably possible. In addition, a landscaping scheme will be secured via condition. This will result in a new planting belt between the nearby properties at Hagg House and the new junction, which will significantly minimise any light pollution.
- 6.14 In light of the above findings, the proposed all-movements junction will not result in greater loss of amenity to local residents than that currently experienced as a result of the existing junction.

Visual Impact, Trees & Landscaping

- 6.15 Design advice is contained in the NPPF at paragraphs 56, 57, 61 and 64. This supports the policies contained in the LDF requiring a high standard of design that contributes to sustainability of development. The NPPF seeks design that is inclusive and relating to spaces as well as buildings, people as well as places and the natural, built and historic environment. These elements are contained within the LDF Policies (CP17, DP32, CP16 and DP28).
- 6.16 Policy DP33 specifies that landscaping of new development must be an integrated part of the overall design which compliments and enhances development and, inter alia, protects key landscape features.
- 6.17 In order to secure the highest quality design, a landscaping scheme will be secured via planning condition. It is anticipated that the landscaping scheme will introduce a screen between the proposed new junction and those properties at Hagg House. The landscaping scheme will also provide biodiversity gain by strengthening the existing habitat. The retained and proposed landscaping will help to assimilate the proposed all-movements junction into the landscape.
- 6.18 The existing junction is surrounded on all sides by deciduous woodland plantations. These plantations have a significant positive impact on the local landscape and collectively provide an excellent screening of the existing junction from neighbouring properties.
- 6.19 An Arboricultural Report and Implications Assessment, undertaken by JCA Limited, has been submitted with the application. The report examines the impact of the proposed junction improvements on the plantations and individual trees. The report reveals a total of 43 items of vegetation (37 individual trees and 6 groups of trees) on site. The species surveyed include Sycamore, Ash, Hawthorn, Maple, Holly, Elder, Elm, Oak, Scots Pine, Beech and Willow. The predominant species were Goat Willow, Sycamore and Hawthorn, with other species being occasional, or even single, specimens. The trees surveyed ranged in age from young to mature. However, the trees were predominantly early mature and mature.
- 6.20 The following trees require removal as they are situated within or in close proximity to the footprint of the proposed development: T15 (Norway Maple – Cat C), T16 (Elm – Cat C);

T17 (Norway Maple – Cat B); T31 (Sycamore – Cat B); T32 (Elm – Cat C); T33 (Sycamore – Cat B); T34 (Sycamore – Cat B) and sections of G41 (Mixed – Cat B); G42 Mixed – Cat B) and G43 Mixed – Cat B). All trees identified for removal are either Category B specimens of moderate arboricultural quality and or Category C trees of poor arboricultural quality. All of the trees are of moderate amenity value and therefore do not warrant protection at the expense of delivering the junction improvements which are linked to the wider benefits of delivering Allocation TM2.

- 6.21 An Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree to be retained should be secured via planning condition.

Ecology

- 6.22 Paragraphs 109 to 125 of the NPPF are concerned with the conservation and protection of the natural environment. In particular, paragraph 118 relates to ecology and biodiversity considerations when determining planning applications. Survey work and desk top studies have identified that those habitats on site are generally of low ecological value but have the potential to support nesting birds, reptiles, badgers and foraging bats.
- 6.23 Policy DP31 of the LDF states that *'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'*. A Phase 1 Extended Habitat Survey, produced by WSP, has been submitted with the application.
- 6.24 Survey work and desk top studies have identified that those habitats on site are generally of low ecological value but have the potential to support nesting birds, reptiles, badgers and foraging bats.
- 6.25 The site contains a section of a hedgerow which is a UK BAP (Biodiversity Action Plan) priority habitat. This is considered a potential constraint. Compensatory planning of equivalent length or more is recommended using native species to form a species rich hedge.
- 6.26 The section of deciduous woodland plantation falls within the UK BAP priority habitats list, as Lowland Mixed Deciduous Woodland. However, the woodland block has been planted around the road junction and has low intrinsic conservation value. This is therefore not considered a potential constraint.
- 6.27 Brown-long eared bat is a UK BAP priority species and was identified within less than 30 metres from the development site, during 1987. There are areas of potential foraging habitats on the edge of site. This species is considered a potential constraint. The foraging/commuting habitats (woodland edge) to be effected can be compensated for by replacement with a native, species rich hedgerow or new woodland strip along the western course of the proposed new road
- 6.28 The pond onsite is a UK BAP priority habitat and is considered a potential constraint. The pond provides opportunities for foraging bats, and could benefit a number of other species and could make a significant contribution to site biodiversity. Retention of the pond is not possible so a compensatory pond of equivalent size should be created, including native aquatic plant species. This can be required by a condition.
- 6.29 The survey recommends that bat activity surveys and reptile presence/ absence surveys are undertaken. It is also recommended that a Badger survey is undertaken on site and

within 30 metres of the development footprint immediately prior to works commencing on site.

- 6.30 With the implementation of native wildlife friendly planting, the incorporation of bat and bird boxes and the creation of artificial refuge, the value of the site could be improved to a level above that of the existing baseline. Consequently, the proposed development is considered to comply with the NPPF and Policy DP31.

Drainage

- 6.31 Paragraphs 93 to 108 of the NPPF explain how local planning authorities are expected to respond to the challenge of climate change, flooding and coastal change.
- 6.32 Policy DP43 outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 6.33 For the drainage of the carriageway surface, surface water channels and/or gullies will be used to remove water from the road surface. A pipe network of varying depths is then to be used to transport the water to suitable outfall locations.
- 6.34 In the design of the drainage outfalls, due consideration will be required to pollution control and the prevention of flooding. Potential for flooding can be reduced by designing for appropriate storm return periods and design rainfall intensities and increased by 20% to allow for climate change.
- 6.35 Filter and/or narrow filter drains are proposed to be used to drain the highway pavement, and to collect surface and sub-surface run off from the highway earthworks.
- 6.36 The Environment Agency has not raised an objection to the application on flood risk grounds. Any run-off into Cod Beck District will require the Internal Drainage Boards Consent and therefore the IDB maintain control over the discharge of surface water. In addition, details of the drainage scheme can be secured via condition.

Air Quality

- 6.37 Paragraph 109 of the NPPF states that "the planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution."
- 6.38 An Air Quality Assessment Report, produced by WSP, has been submitted with the application. Following a qualitative assessment of the potential impacts on local air quality, the report concludes that during construction releases of dust and particulate matter are likely to occur. However, through good site practice and the implementation of suitable mitigation measures, the impact of dust and particulate matter releases will be reduced and excessive releases prevented. The residual effects of the construction phase on air quality are considered to be negligible.
- 6.39 In addition the results show that during its operational phase, the development would cause small to imperceptible changes in nitrogen dioxide pollutant concentrations and imperceptible or no changes in particulate matter pollutant concentrations, with the exception of one receptor in 2026 which experiences a small change in concentration.

- 6.40 At all locations concentrations are predicted to meet the statutory objectives both with and without the development. This is with the exception of Receptor 30 (Halfway House) which exceeded the annual mean nitrogen dioxide objective in the baseline year 2011.
- 6.41 According to the assessment significance criteria the impact of this proposed development is considered to be negligible for nitrogen dioxide and negligible to neutral for particulate matter.
- 6.42 Based on the above, the proposed development is considered to comply with the NPPF and Policy DP1.

Highway Issues

- 6.43 Paragraphs 29 to 41 of the NPPF are concerned with the promotion of sustainable transport. Paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.”
- 6.44 Paragraph 32 requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment (TA). Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.45 A Transport Assessment, produced by Mouchel, has been submitted in support of the application which provides much of the technical information relating to traffic movements, design of the highway works, highway safety matters and timescales for implementation.
- 6.46 Paragraph 35 of the NPPF relates to detailed highways design considerations. Construction of the proposed junction will be carried out under appropriate traffic management arrangements (including reduced speed limits where necessary) as agreed with the Highways Agency and the Local Highway Authority.
- 6.47 The limited land available to the developer for construction purposes means that it is not physically possible to provide an all movements junction that fully complies with the Design Manual for Roads and Bridges – Layout of Grade Separated Junctions (TD 22/06). Consequently, the Applicant has applied to the Highways Agency for their approval to accept the submitted design as a departure from the usual road geometry standards.
- 6.48 The most recent junction layout (Rev.D) has been approved by the Highways Agency under their departures procedure and the Holding Direction (TR110) was subsequently released on 21st November 2013.
- 6.49 Construction of the proposed junction will be carried out under appropriate traffic management arrangements (including reduced speed limits where necessary) as agreed with the Highways Agency and the Local Highway Authority.

- 6.50 Future maintenance works would be carried out under appropriate traffic management arrangements. Where necessary, reduced speed limits and narrow lanes would be utilised to allow the works to be carried out safely and efficiently.

Conclusion

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

6.0 SUMMARY

- 6.1 The principle of the proposed all-movements junction is considered to be acceptable and the site specific issues, including: impact on neighbours; visual impact, trees and landscaping; ecology; drainage; and air quality are found to be in accordance with the aims and policies of the Hambleton Local Development Framework.
- 6.2 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.

7.0 RECOMMENDATION

GRANTED subject to the following conditions:-

1. Commencement

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

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

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawing number 1020530/SK/38 Rev.A received by Hambleton District Council on 1st November 2013 and drawing number 1020530/SK/30 Rev.D received by Hambleton District Council on 21st November 2013 otherwise agreed in writing by the Local Planning Authority.

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

3. Surface Water Drainage

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

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

4. Approval of Details for Works in the Highway

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

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

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

5. Precautions to Prevent Mud on the Highway

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

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

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

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

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

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

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

7. Routing of Construction Traffic

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

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

8. Landscaping Scheme

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

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. Highways Agency Condition

No further Development shall take place within the application site approved under the application 10/02373/OUT unless, within 6 months of the occupation of the first dwelling or 1,500 sqm of Commercial floor space being occupied (whichever occurs first), the scheme of improvement for the A168T/B1448 has been constructed and brought into use in accordance with the principles set out in the Mouchel drawing no. 1020530/SK/30 Revision D dated 04 November 2013.

Reason: To ensure the continued safe operation of the A168 Trunk Road in the area.