

Parish: Easingwold
Ward: Easingwold
5

Committee Date :
Officer dealing :
Target Date:

16 December 2021
Kate Williams
20 December 2021

20/01049/REM

Application for reserved matters in relation to appearance, landscaping, layout and scale (all remaining reserved matters) attached to Planning Application 15/02419/OUT – Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses.

**At: Land Adjacent and Rear of Police Houses, York Road, Easingwold
For: Jomast Developments Ltd**

The proposal is presented to Planning Committee as it is of public interest

1.0 Site, context and proposal

- 1.1 The 2.94-hectare parcel of land is bounded by open fields to the south and east with a residential development to the north. York Road runs along the western boundary which will provide the access for the proposed development. The site is within the Development Limits and formed LDF allocation EM1 for employment. This is a reserved matters application, and the principle of development has been addressed within the Outline permission 15/02419/OUT. Access into the site was also approved under drawing number 3357/SK001 Rev A. Apart from the specific details of access into the site, the other detailed matters of layout, appearance, scale and landscape were reserved for future consideration, and this application now seeks permission for these.
- 1.2 The site consists of an open field with hedges and trees forming the boundaries between adjacent land. A further hedge line runs from north to south and separates the site into two halves. A number of ditches are present within these hedge lines along with a 300mm diameter culverted watercourse that runs from the north west corner of the site and continues beyond the boundary fence in the south east. The site is generally flat and varies in elevation between 25.5m the west to the east. There are nominal falls towards the various ditches that are located along the boundaries within the hedge lines. York Road that runs along the western boundary is typically 100-200mm above the adjacent site levels.
- 1.3 The proposed access off York Road was approved as part of the previous outline application. This proposed access point has been maintained in line with the previous approval. The single point of access to the site provides both vehicular and pedestrian access to the site from York Road, and leads to an estate spine road. The estate spine road access also serves the accesses for the Petrol Filling Station and Healthcare Centre.
- 1.4 The Petrol Filling Station (PFS) portion of the scheme is situated adjacent to York Road, with its access from the main spine road within the site. The PFS includes provision for a single storey convenience store (approx. 400 sqm), pumps, canopy, parking, signage and totem in a forecourt layout. The PFS is

set back from York Road with landscaping to provide a buffer between site and highway, and the existing hedgerow frontage is maintained apart from the road access and pedestrian access. Parking spaces will be located along the frontage of the Retail unit.

- 1.5 The Healthcare Centre is set in between the PFS and housing development. It has its own access, cycle and parking provision. The healthcare facility includes provision for emergency vehicle access, pedestrian access, car parking allocation for both staff and patients, and cycle storage provision alongside landscaping to soften the scheme and to create buffer planting adjacent to the site's highways and boundaries. Facilities proposed include provision for 14 consultation rooms, plus an additional 2 examination rooms, 2 treatment rooms, and 3 nurse consultation rooms. The proposal also includes provision for administration, records and storage, comms and plantrooms, waiting room allocation, utilities, amenities, and staff breakout space.
- 1.6 During the course of the application the number of dwellings within the scheme has been reduced from 80 to 70. The 70 residential units are set back from York Road and located mainly in the eastern portion of the site. The units consist of 2, 3 and 4 bedroom houses with a number of bungalows and 1 bed quarter homes. 78% comprise 1, 2 and 3 bedroom homes. The Housing mix is set out below:
- 8 x 1 bed = 11%
 - 20 x 2 bed = 29%
 - 19 x 3 bed = 27%
 - 15 x 4 bed = 21%
 - 8 x 2 bed bungalows = 11 %
- 1.7 There is an area of public open space to the eastern part of the site. Drainage infrastructure is proposed beneath the roads and open space with surface water proposed to outfall to Leasemires Beck to the east.
- 2.0 Relevant planning history
- 2.1 13/02183/OUT - Outline application for the construction of a foodstore, petrol filling station, health uses, public open space, car parking and means of access; Granted 16 April 2014.
- 2.2 15/02419/OUT-Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses at Land adjacent and rear of Police Houses, York Road, Easingwold. Refused 25.04.2016- allowed at appeal June 2017. This Reserved Matters application was made on 21 May 2020, within 1 month of the expiry of the outline planning permission.
- 2.3 The appeal was allowed in accordance with paragraph 14 of the NPPF as the "presumption in favour of sustainable development" was engaged (Para 14 is now enshrined in paragraph 11 of the NPPF). The conclusion set out:

I find that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development, when assessed

against the policies in the NPPF taken as a whole. Therefore, in the context of the relevant development plan policies and having considered all matters raised, I find that the development is acceptable subject to the imposed conditions. Accordingly, the appeal is allowed.

- 2.4 15/02419/DCN - Application made 20.11.2017 to discharge the condition 20 relating to affordable housing. Withdrawn 19 June 2020
- 2.5 15/02419/DCN01 - Application for discharge of condition 24 (healthcare land) for previously approved application 15/02419/FUL- Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses - Discharged 17.01.2020
- 2.6 15/02419/DCN02- (Substitute plans) Application for discharge of condition 24 (healthcare land) for previously approved application 15/02419/FUL- Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses – Discharged 16.07.2020
- 3.0 Relevant planning policies
- 3.1 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;
- Core Strategy Policy CP1 - Sustainable development
 - Core Strategy Policy CP2 - Access
 - Core Strategy Policy CP4 - Settlement hierarchy
 - Core Strategy Policy CP8 - Type, size and tenure of housing
 - Core Strategy Policy CP9 - Affordable housing
 - Core Strategy Policy CP13 -Market towns regeneration
 - 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 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 DP10 - Form and character of settlements
 - Development Policies DP13 - Achieving and maintain the right mix of housings
 - Development Policies DP15 - Promoting and maintaining affordable housing
 - Development Policies DP16 - Specific measures to assist the economy and employment
 - Development Policies DP19 - Specific measures to assist market town regeneration
 - Development Policies DP24 - Other retail issues
 - 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 DP42 - Hazardous and environmentally sensitive operations
Development Policies DP43 -Flooding and Floodplains
Development Policies DP44 - Very noisy activities

3.2 The most relevant SPD's are as follows;

Affordable Housing SPD

Size, Type and Tenure or New Homes SPD

3.3 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php> .The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

4.1 Easingwold Town Council - Wish to see approved subject to following: comments raised by official consultees being upheld:

- a suitable drainage scheme created to ensure that all existing housing in the surrounding area is not adversely affected by any inundation.
- there should also be a suitable maintenance plan for the ditches and channels around the site to be kept clear.
- measures are put in place to prevent any spillages of petrol or diesel from entering the surface water drainage system.
- wish to see the surrounding trees and hedges preserved and would not like to see T33 and T34 trees felled.
- the petrol station and convenience store should both have safe access for large delivery vehicles
- they welcome the range of smaller houses being proposed and wish to see at least 50% in the affordable category.
- would like to see the provision of solar panels and charging points for electric vehicles
- they would like reassurances that the medical facility will be occupied and to know what it will be used for as we know that Millfield's surgery is expanding on its existing site.
- would like to see the whole facility joined to the rest of the town by an appropriate footpath and cycle path.

4.2 NYCC Local Highways Authority (LHA) –They previously had no objections, and recommended conditions, which are attached. However, comments on the amended scheme are awaited at the time of writing the report.

- 4.3 Kyle and Upper Ouse Internal Drainage Board – Set the maximum discharge rate to be 1.4l/sec/ha and advise IDB consent will be required.
- 4.4 HDC Environmental Health – Subject to the attachment of appropriate conditions to address the above matters there are no objections to the revised layout (All conditions are attached).
- 4.5 HDC Housing – The proposed dwelling mix is in accordance with the advice previously provided to the applicant, and is supported.
- 4.6 NYCC Lead Local Flood Authority (LLFA) – No objections. The LLFA have no objections to the approval of this reserve matters application. The additional information to address the points raised during previous consultations clarify previous concerns regarding ditch maintenance and access, as flood exceedance routes were dependent on them.
- 4.7 Ministry of Defence Safeguarding - no safeguarding objections to this proposal.
- 4.8 Natural England - has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
- 4.9 North Yorkshire Police Architectural Liaison Officer – The amended site layout is considered acceptable.
- 4.10 Yorkshire Wildlife Trust – Continue to have concerns about connectivity of hedgerow habitats Wish to see hedgerow retained in the north eastern corner of the site. They have concerns that hedgerows will lie within the gardens of a residential property and therefore it's retention cannot be guaranteed.
- 4.11 Yorkshire Water – The developer has applied for a diversion and the revised design has been approved by Yorkshire Water. They have no objection to the proposals.
- 4.12 The concept scheme was subject to public consultation by the applicants in accordance with the Council's Statement of Community Involvement.
- 4.13 5 representations have been made objecting to the proposal and 1 letter of support. The application has been advertised by press, site notice and neighbour notification which have all expired.
- 4.14 Seven representations were received. Six provide objections, which are summarised as follows:

Principle

- The retail unit would have a detrimental impact upon the vitality and viability of Easingwold

- An existing abandoned garage in Easingwold would be a better location for a petrol filling station
- The development is in the open countryside
- The application doesn't provide the details from the outline conditions
- Doubts that the medical centre be delivered
- The appeal was allowed on the understanding that the site would provide some employment facilities, not just a field full of dwellings
- No need for petrol stations, which are going to become obsolete?
- Development should not proceed without ensuring that the medical facilities are provided
- Petrol/diesel facilities exist elsewhere

Appearance and scale

- Loss of view across fields
- Require a barrier to reduce noise from car park
- Open border or footpath around the field should be provided to allow existing access to continue
- Too high density
- Object to the layout of the medical centre
- Oppressive "block appearance" of two terraced housing blocks placed very close together.
- Not enough information on the totem signage
- The development would harm the visual appearance of the countryside and landscape character on the approach to Easingwold
- No electric vehicle charging points are proposed
- There are no front gardens
- Open space provision is small and not central.
- Very small back gardens
- Too much on street parking
- Not enough parking for the medical centre
- Inadequate parking spaces for healthcare facility
- Layout and location of medical centre is unacceptable

Amenity

- Street lighting needs to be angled downwards away from existing properties
- Inflicts an unreasonable loss of amenity to existing residents of Longbridge Close and Longbridge Drive due to the general activity 6 households compressed into a very small
- Proposed level of properties will be harmful to existing residents
- There is a pollution and risk to health of standing traffic next to a school and built up area
- It will unacceptably increase in traffic levels.

Flood Risk and Drainage

- Concerns over flood risk and drainage as the area is a high risk of surface water flooding.
- Natural drainage should be considered
- Will cause flooding to existing residents

- Concerns over who will maintain the medical centre, PFS and housing drainage areas

Landscape and Ecology

- Need to retain as much environment and existing hedgerows as possible for birds and wildlife
- The landscape detail does not go far enough to protect existing trees and hedges particularly behind plots 44-70
- The trees should be protected by 2m -5m from proposed fences and fences move to protect t22 and t23, t13 is being cut short
- Concerns raised in relation to boundaries, hedges and ditches interfering with each other.

Positive comments in relation to the proposal received mainly from 1 individual representation in support:

- Location is walkable to town centre
- Good location for petrol filling station
- The addition of a new healthcare centre will be welcomed
- Would support local businesses
- The addition of a convenience store is exciting and will reduce the desire to drive out of Easingwold to other places
- Will create jobs.

5.0 Analysis

5.1 The main issues to consider are:

- Principle of development
- Layout, appearance and scale
- Affordable housing, housing mix and nationally designated space standards
- Highway safety
- Amenity
- Landscape and ecology
- Flood risk and drainage
- Land contamination
- Sustainable development
- Planning balance

Principle of development

5.2 The principle of the development has been accepted under the original outline permission at the site. This reserved matter application is concerned with the detail of the development, housing, petrol filling station, convenience store and health care facilities, that being its appearance, landscaping, layout and scale.

5.3 The provision of the Healthcare facility was secured under condition 24 of the outline permission. Condition 24 has been discharged (16.07.2020), but stated:

“(a) No development shall take place until a scheme relating to land on which the healthcare facilities hereby approved are to be located as part of the development (“the healthcare land scheme”) has been submitted to and approved in writing by the Local Planning Authority.

The healthcare land scheme shall provide for but not be limited to:

(1) The identification of 1,800 sqm (shown on the indicative layout plan marked SK01) of land (including provision for vehicular, cycle and pedestrian access, drainage, electricity, mains water, mains gas and telecommunications services) sufficient to accommodate 1,200sqm of floor-space located over not more than 2 floors for GP, community health and associated services;

(2) Details relating to availability of the healthcare land including management and maintenance.

(b) For a period of 2 years following the approval of the healthcare land scheme, the healthcare land shall be used for no purpose other than for GP, community health and associated services.”

- 5.4 It's scale and location has therefore been discharged under the earlier condition. This amount of land and development of the healthcare facility is greater than that shown on the indicative outline plan. The requirement for 1800 sqm of land to accommodate 1200 sqm floor space for GP and community health facilities was identified by the relevant NHS consultee, and imposed by the Planning Inspector.
- 5.5 Officers note the Town Council and the representations would like reassurances that the medical facility will be occupied. Officers do not have this information, but condition 23 of the Outline approval required a phasing scheme for the approval of the Local Planning Authority. This would seek information on the timing of construction of the dwellings, convenience store, petrol filling station and healthcare uses. The LPA cannot now impose any conditions which would seek the construction of other facilities before the dwellings. The appeal decision granted permission in 2017, the healthcare land scheme required by condition was approved on 16 July 2020, the land is only safeguarded for healthcare use until 17 July 2022, after which time alternative uses could be proposed.
- 5.6 No details have been provided of the future operator of either the petrol filling station or convenience store or potential dates for opening of the facilities. However, the applicant has confirmed there is an operator in place.
- 5.7 Planning permission has been established by the outline consent and reserved matters are limited to design issues, namely: access, external appearance, layout, scale, and landscaping. The need for a PFS, the impact of a small retail element impact upon Easingwold (previous approvals for this site included a large supermarket) and the deliverability isn't a material planning consideration in relation to a reserved matters application.

Layout, Appearance and Scale

- 5.8 Policy CP1, CP17 and DP32 addressed general matters of design focusing on the importance of local character, design quality and gives guidance on achieving sustainable development, appropriate scale and types of urban form, developments that mix uses, and better connections between users and more inclusive access.
- 5.9 The proposal is in general accordance with the indicative site plan which presented the petrol station to the front of the site, with the medical centre, 80 dwellings and public open space behind this. All are access from the spine road which runs from York Road.
- 5.10 The Petrol Filling Station is located at the front of the site. It has a frontage to York Road, but is sited at a perpendicular angle to it as per the indicative outline scheme, and for the reasons of providing a buffer to homes adjacent to it. The PFS proposes hedgerow retention along the frontage. The medical centre is positioned in between the PFS and the proposed new dwellings, which is reasonable to have the facilities close together. The PFS is a single storey monopitch rectangular structure. It is constructed from brick with timber detailing. It is considered its appearance is acceptable and appropriate for the character and appearance of the area.
- 5.11 The healthcare facility is set over 2 floors with a hipped roof (approx. 9.5m in height) and provides the requisite amount of space required by the condition imposed. Parking allocation has been proposed at 31no. car parking spaces including 10% accessible, plus the emergency vehicle bay. Turning facilities have also been afforded within the car park area of the medical centre portion of the site. The structure is proposed to be 'T' shaped, with a number of projected elements breaking up the elevations. A focal point is created along the Southern elevation in the form of a gable projection with full height glazing where the proposed pedestrian access from the estate spine road is located. The ground floor is proposed to be a red brick, render and cladding, which will tie in with the PFS and residential development linking the three elements of the development visually.
- 5.12 In relation to the location and accessibility and parking of the medical centre, a travel plan has been conditioned which would help address the accessibility of the development and apply to workers at the site. Parking standards across the development including the medical centre have not been identified as being low and would fall within the NYCC parameters.
- 5.13 The site continues past the healthcare facility along the main spine road through the site, with a devolving road network, leading to minor roads and private shared access cul-de-sacs. The 70 dwellings which comprise a variety of 1 to 4 bed houses and bungalows are generally distributed across the site. Parking allocation is provided in the form of private driveways and parking spaces alongside or within the frontage of dwellings where possible. The house types and their external detail are acceptable and provide a cohesive and attractive range of house designs. The dwellings include suitable amenity space commensurate with the size of the dwellings. This has been improved significant since amended scheme was submitted.

- 5.14 The parking spaces shown and garage details (where provided) meet the relevant dimensions contained within the NYCC Parking Standards as there are some instances where the garage is in lieu of external parking space. Garden areas are acceptable for the larger properties, but some smaller units have awkward shaped plots and shorter gardens, but overall, their sizes are proportionate to the house type and number of bedrooms.
- 5.15 Core Strategy Policy CP19 and Development Plan Policies DP37 requires new housing development to contribute towards the provision of open space to meet local standards. The proposed development has sought to address this and does incorporate a large area of public open space to the east of the site. No details are provided for an equipped area at this stage, but the details in relation to the provision, equipment and management of the open space is controlled via condition 22 imposed on the outline approval. The management and maintenance of ditches around the site which fall within public open space will likely be maintained by the management company.
- 5.16 The distribution of the open space provided is considered appropriate given the parameters imposed for the Healthcare Centre and additional land for that. The development would also contribute to POS delivering within Easingwold Area through CIL contributions. Improvements have been made and the applicants has shown street trees.
- 5.17 The layout achieves adequate levels of space, separation distances and parking and is consistent with the indicative Outline application layout. Taking a balanced view, given the parameters set out within the Outline consent, the proposed layout, appearance and scale of the development is acceptable and would fulfil the requirements of Policy CP1, CP17 and DP32 of the Hambleton Local Development Framework and the updated design requirements of the NPPF 2021.

Affordable Housing, Housing Mix and Nationally Designated Space Standards

- 5.18 Policies CP8, CP9, DP13 and DP15 housing and the Supplementary Planning Documents in respect of both Affordable Housing and the Size, type and tenure of new homes SPD set out the needs for affordable housing, housing mix and Nationally Designated Space Standards (NDSS).
- 5.19 Affordable housing is not a reserved matter and condition 20 of the outline permission requires the provision of affordable housing at the level of 50% (35 homes). The Applicant intends to address affordable housing in due course through an application to discharge the condition. The condition also states:
- “The scheme shall provide that 50% of the dwellings to be constructed on the site shall be affordable housing unless relevant viability evidence shows that delivery of 50% affordable housing would make the remainder of the residential scheme unviable.”
- 5.20 The locations of the affordable housing plots are not shown. However, the housing types are generally spread across the site, and therefore it is likely that the requirement for ‘pepper potting’ affordable homes throughout the development could be achieved.

- 5.21 Housing services confirmed that there has been a dialogue with the developer regarding the housing mix. Housing Services advise that the housing mix and provision is in accordance with advice previously provided by them to the applicant and is supported. The proposed mix accords with the Council's 'Size, Type and Tenure of New Homes' Supplementary Planning Guidance. There is also a requirement within the Outline conditions for all homes to meet the Nationally Described Space Standards (condition 21). The House Types proposed all meet the relevant standards.
- 5.22 The requirements of CP9 and DP15 are to provide 50% affordable housing is subject to viability and for consideration when the application to discharge the condition is made. However, the proposal is able to show that it can provide this to meet CP8, DP13 and the Supplementary Planning Documents in respect of both and the Size, type and tenure of new homes and affordable housing SPD.

Highway Safety and Access

- 5.23 The policy requirements include CP1 and DP3 which require the provision of a sustainable means of access to the site and in CP2 and DP4 that the access arrangements be safe, and easy access is available to all users.
- 5.24 The site will be accessed off York Road which provides access to the wider highway network. This was approved under the Outline application. A single vehicular, cyclist and pedestrian access is proposed off York Road. The appellant has agreed with the Local Highway Authority to install a new filter lane on York Road and conditions were attached to the Outline permission to secure the delivery of the new junction and filter lane. The site is linked to the town with a footway.
- 5.25 The roads within the site aim to reduce speeds of traffic, and are acceptable for HGV vehicles. Pedestrian access has been provided on the adoptable roads and on York Road. There is no link as requested by the LHA to the adjacent residential site as it is not clear how this would be necessary for the proposed development and would require additional tree and hedgerow removal which also would not be supported.
- 5.26 In accordance with North Yorkshire County Council's parking policy, the minimum provision for car parking is 1 space for all 1 and 2 bed dwellings with a minimum of 2 spaces for 3 and 4 bed dwellings within Market Towns. Therefore, across the development there is a general requirement for 104 spaces. The development provides in excess of this at 123 (excluding the garage spaces which are in addition this). Whilst the 1 bed accommodation provides 1 space, the 2 bedroom accommodation provides more than 1.5 spaces per unit. All 3 and 4 beds have at least 2 parking spaces with some house types also showing integral garaging, and larger garage spaces.
- 5.27 A requirement for a Travel Plan was conditioned on the outline consent, alongside road, cycleway and footway construction and lighting. An existing footway stops approximately 30m short of the application site but would be

connected to the proposed development by a new footway across the site frontage, which is off-site highway work secured by condition.

- 5.28 The LHA recommend conditions, and those which have not been provided on the Outline will be attached. The proposal is considered to fulfil the requirements of CP1, CP2 DP3 and DP4.

Amenity

- 5.29 Policy CP1 sets out a requirement for sustainable development and this is supported by DP1. The Policy test set in DP1 is that the development must adequately protect amenity.
- 5.30 The general principle and location both the PFS and healthcare facility was accepted within the Outline consent. The proposed siting of the PFS follows the indicative layout of the outline application, to act as a buffer. In addition to this arrangement a landscape buffer, and screen is also proposed. The PFS is a monopitch design with the lowest extent next to the neighbouring property, this is around 5m in height. Due to the relationship between the PFS and adjacent house, the distance between it and screening proposed it is unlikely to be overbearing or cause unacceptable overshadowing.
- 5.31 The Noise Assessment submitted has been considered by Environmental Health and concludes the levels are likely to be acceptable. This conclusion is based on the retention of an existing boundary fence and the erection of an additional boundary fence, as detailed in the report. It is necessary therefore to ensure that these barrier fences are provided and remain in place. The provision and maintenance of such barriers is secured by condition.
- 5.32 The Noise Assessment is based on specific hours of use for commercial activities, and it is necessary therefore to ensure those commercial activities do not take place outside those hours. The relevant commercial activities include, the operation of the petrol filling station, the operation of air, water and vacuum services and the timing of deliveries. This can be achieved by appropriately worded conditions. Its noted, similarly, that in addition to the fences referred to earlier, the assessment is based on the provision of an acoustic enclosure around the delivery bay serving the petrol filling station. Provision of acoustic fencing/enclosure can be secured by condition.
- 5.33 The noise assessment does not address potential noise from external building services which may be associated with the petrol filling station or medical centre. It is possible to word a condition prohibiting the installation of such plant and equipment, which would provide adequate control over potential amenity loss from such services. As artificial lighting can impact on the amenity of residential occupiers it has been recommend that a condition prohibiting the provision of artificial lighting to the petrol station and medical centre, (including car parks), other than by condition could be attached.
- 5.34 Plots 32 to 36 have boundaries with Hurns Way to the east. Plots 59 to 66 have a boundary with Clayhithe Mews and Longbridge Close. Plots 36 to 40 have a boundary with Longbridge Close and Longbridge drive. There is sufficient separation distance which mostly exceeds 21m between the rear of

proposed and existing dwellings. Gardens are also a suitable length to preserve amenity into garden areas. Whilst dwellings will be apparent, they are a sufficient distance away and would not be overbearing. In addition, the orientation of dwellings and presence of bungalows also helps to preserve residential amenity for existing residents. Future residents would benefit from acceptable separation distances, gardens, parking and access for bin storage areas.

- 5.35 Whilst reference has been made to the retention of hedgerows and trees for screening for residential amenity, tree loss is not significant. The trees along the north and eastern boundary are subject to individual and group Tree Preservation Orders, which affords them protection and additional screening is retained. This will also help to reduce the visual impact of the proposed development for existing residents however residential development is a suitable land use neighbour for existing residential development.
- 5.36 A condition was attached to the outline consent for full details of the boundary treatments to be approved whether that be hedgerow, wall, fence or other means of enclosure. Representations seek changes to allow a footpath around the boundary of the site and to move garden boundaries in from the tree canopies, however this is not necessary to make the application acceptable in planning terms. There are no public rights of way in close proximity, and therefore it is not considered reasonable to require a perimeter access path for existing adjacent residents.
- 5.37 Finished floor levels of dwellings and the road will be raised in some locations to account for the drainage requirements for the site. There will be a noticeable difference in height from the current situation, but it is not considered to be unacceptable due to the layout and distance of proposed buildings to neighbouring properties.
- 5.38 A construction method statement condition was attached to the Outline consent, and it is considered through the imposition of additional conditions which relate to operation of the PFS and healthcare centre that the development would adequately protect amenity and make provision for amenity needs of occupants. The additional elements would in the absence of this information ensure that the proposal would comply with CP1 and DP1 which requires all development proposals to adequately protect amenity.

Landscape and Ecology

- 5.39 Policies CP16, CP17, DP30 and DP33 seek to protect the character and appearance of the area, including landscape features. Policy DP31 seeks adequate protection and enhance of the ecology of development sites.
- 5.40 The site fronts onto York Road which offers views into the site from the west. The visual impacts of the development are balanced by the provision of landscape buffer along York Road in front of the site, and the public open space to the west. As the layout also shows garden of dwellings against the southern boundary this allows for additional planting to be introduced along existing field boundaries.

- 5.41 The Applicant has commissioned both a Tree Survey Report which includes an Arboricultural Impact Assessment to consider the potential conflicts between trees and hedges and the development proposals. The tree loss amounts to the removal of 1 Category B2 tree, 5 Category C1 trees, and 3 Category U trees (trees requiring removal regardless of design proposals). The identified tree losses would have a minor arboricultural and visual impact. To compensate, the submitted landscaping plan proposed additional planting, which can be secured by the updated condition. The Tree Protection Plan would ensure that all retained trees and hedges can be protected during the construction process by the installation of appropriate protective fencing and maintaining appropriate construction exclusion zones. Trees T33 and T34 which the Parish council wish to see have been assessed in the Arboricultural Impacts Assessment, they are Ash trees with decay at their base and structurally poor.
- 5.42 The development proposals would therefore not have a significant impact on existing trees or hedges and where the loss of trees is proposed to allow for development, such removal could be adequately compensated through additional tree planting as shown by the landscaping plan supporting the application. Furthermore, the proposals have identified appropriate tree protection measures to safeguard existing trees and hedges on site.
- 5.43 Whilst the representations are concerned about the hedgerows linking, the intention is to maintain as much of the hedgerows as possible and plant new hedgerows in the gaps to deliver improvements from a biodiversity and visual amenity perspective. There are concerns about the loss of hedgerows and their provision within residential plots, however a condition can be added to prevent their loss and that this is a requirement within the deeds.
- 5.44 The trees within the field boundary hedgerows were considered to hold features of low/negligible bat roost potential; no features that were deemed to be of moderate and/or high bat roost potential such as fluting, crevices or notable deadwood were recorded within the trees.
- 5.45 In response to comments from the Yorkshire Wildlife Trust the applicants proposed some strengthening of the hedgerow boundary in the north eastern location in response to comments made by the Yorkshire Wildlife Trust. They don't propose to remove any of the existing hedgerow, other than to create the site access, only plant up any gaps. We don't envisage that new planting would compromise the drainage ditch.
- 5.46 The Council does not yet the use of the Defra metric requested by the Yorkshire Wildlife Trust embedded in policy. Notwithstanding the slight hedgerow and tree loss it is considered that the proposed development would accord with CP16, CP17, DP30 and DP33 that the impact would affect protected species and would not be significant in the terms of LDF Policy DP31. Updated Landscape and ecology conditions are imposed.

Flood Risk and Drainage

- 5.47 The relevant policies are CP21, DP6 and DP43. Policy DP6 requires new development to provide the infrastructure necessary to meet the needs

generated by it and that flood risk is managed appropriately. Drainage infrastructure is required in respect of surface water, domestic flows of foul sewage to a sewer network and treatment facilities, and highways drainage.

- 5.48 It is not appropriate to discharge the surface water to ground via infiltration due to the highwater table and associated groundwater flood risk. Therefore, as per the hierarchy it is deemed necessary to discharge the surface water to the nearby watercourses as per the existing scenario.
- 5.49 The proposed surface water drainage strategy is to connect to the nearby watercourse via an attenuation tank and surface water pumped system to discharge in to Leasemires Drain. The Leasemires Drain is maintained by the Kyle and Upper Ouse Internal Drainage Board who have a requirement for surface water discharge to be restricted to 1.4l/sec/ha.
- 5.50 Finished Floor Levels of the various properties are to be raised as part of the flood mitigation measures (due to high water table). As such the proposed road levels will rise and fall to meet these levels to provide appropriate access to the individual plots.
- 5.51 Foul drainage is to drain under gravity to the south eastern corner of the site from where it is proposed to be pumped in a rising main back to discharge to the Yorkshire Water sewer in York Road.
- 5.52 A planning condition was placed on the outline consent which seeks to ensure that the diversion of the water main is undertaken before development. The amended layout now avoid this route and Yorkshire Water have no objections to the proposed development.
- 5.53 A condition will be attached to ensure that residents who may have ditches within their curtilages are aware of their responsibilities in relation to surface water. This can be written within the deeds of the homeowners. The submitted information indicates this approach.
- 5.54 The comments and concerns are noted, but officers have been advised by consultees that the submitted details are now acceptable following amendments after raising various comments and seeking clarification. The Internal Drainage Board, Yorkshire Water and the Lead Local Flood Authority would need to be consulted in respect of any subsequent application to discharge details regarding drainage to ensure the proposed development would fulfil the requirements of the relevant element of policies CP21, DP6 and DP43.

Land Contamination

- 5.55 A condition of the outline approval required an assessment of the risks posed by contamination and a scheme for the remediation of any contamination. Additional conditions will be required to ensure that the petrol filling station forecourt has appropriate separator devices to prevent fuel spillages from entering any adjacent watercourse. Subject to such conditions the proposal regarding the PFS can meet the requirements of CP21 and DP42.

Sustainability

- 5.56 A condition was placed on the outline which required design measures to be incorporated into the scheme. It is considered further conditions are required to secure the elements suggested in the Planning Statement in order to fulfil the requirements of DP34. For reference the measures proposed include consideration of more sustainable materials, eco sanitary ware, solar panels on the petrol filling station and healthcare centre, cycle provision and electric vehicle charging points. Therefore, the proposal fulfils the requirements of the outline consent and DP34.

Other Matters

- 5.57 Conditions imposed on the outline application (15/02419/OUT) are as follows:

1. Definition of Reserved Matters
2. Submission of Reserved Matter
3. Commencement
4. Approved Plans
5. Boundary Treatments
6. Levels
7. Secured by Design
8. Biodiversity
9. Trees
10. Existing Boundary Hedge
11. Sustainable Energy
12. Land Contamination
13. Divert Water Mains
14. Sewer Easement
15. Separate Drainage Systems
16. No Piped Discharge of Surface Water
17. Highways
18. Construction Method Statement
19. Travel Plans
20. Affordable Housing
21. Housing Size, Type and Tenure
22. Public Open Space
23. Phasing
24. Healthcare Land

Planning Balance

- 5.58 The proposal is acceptable in terms of highway safety and access, flood risk and drainage, living conditions, amenity of nearby residents and biodiversity.
- 5.59 The benefits of the proposal as a result of new housing development in a sustainable location would be of a moderate scale. There would be some social benefit in providing additional homes which would contribute to providing family homes in the area, and 50% affordable housing would also carry additional weight.

5.60 There would also be economic benefits as the proposal would be in a suitable location. New residents would contribute to local services. There would be economic benefits from the construction phase of the development, and the operation of the businesses. Protecting the environment is another key aspect of achieving sustainable development, and the development would preserve the character and appearance of the area. The provision of a Petrol Filling station for the town is a benefit.

5.61 The social and economic gains are considered to weigh in favour of the development and the proposal is considered to represent sustainable development in accordance with the development Plan and required by the NPPF and recommended for approval.

6.0 Recommendation

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

Time Limit

1. The development permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Approved Plans

2. The permission hereby granted below shall not be undertaken other than in complete accordance with the drawings set out below, or as modified by other conditions of this permission:

3262-0-003 I Site Layout plan

3232-0-201-A Petro Filling Station

3262-0-102 Medical centre proposed elevations

3262-0-101 Medical centre floor plans

3262-0-010 – House Type A

3262-0-011 – House Type B

3262-0-012 – House Type C

3262-0-013 – House Type D

3262-0-014 – House Type E

3262-0-015 – House Type F

3262-0-016 – House Type G

3262-0-017 – House Type H

3262-0-018 – House Type J

Visibility Splays

3. There must be no access of egress by any vehicles between the highway and the application site at York Road until splays are provided giving clear visibility of 160m measured along both channel lines of the major road from a point measured 2.4m down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Detailed Plans of Road and Footway Layout

4. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road

or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

Delivery of off-site highway Works

5. The following schemes of off-site highway mitigation measures must be completed as indicated below:

- provide a footway to the development along York Road by extending the existing path and providing a crossing point to the development.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Details of Access, Turning and Parking at York Road location

6. There must 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) at York Road until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at York Road/petrol station have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Travel Plan Delivery

7. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must

continue to be implemented as long as any part of the development is occupied.

Parking Facilities for Dwellings

8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved plans. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times any garages shall not be converted to habitable use without the prior written approval of the Local Planning Authority.

Surface Water Drainage Scheme

9. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Drainage Maintenance

10. A scheme for the dissemination of the maintenance responsibilities for the ditches under riparian ownership shall be submitted for the written approval of the Local Planning Authority.

Construction Ecological Management Plan

11. No development shall commence until a construction ecological management plan (CEMP) has been submitted for the written approval of the local planning authority. The CEMP must include a protocol for the protection of nesting birds during site clearance, preparation and construction, including avoidance of hedgerow removal during the main birds nesting season (i.e. not March to August inclusively). Once approved development shall be undertaken in accordance with approved CEMP and must be available onsite for consultation by site operatives throughout the course of construction works.

Landscape

12. Notwithstanding the submitted details 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 include, but is not limited to:
 - details of the species;
 - numbers and locations of planting;
 - details of the biodiversity mitigations measures secured by condition 8 of the outline approval;
 - the details required by condition 22 of the outline approval;
 - all hard surface materials;
 - details in relation to the boundary treatments and between ditches hedgerow and trees;
 - details in relation to how the management and maintenance of retained and new hedgerows located in residential boundaries will be disseminated to future residents;
 - timescales for implementation and a maintenance schedule; and
 - provisions for replacement planting within a 5 year period.

The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

Materials

13. The construction of the external walls of the development hereby permitted shall not be commenced until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.

Plant

14. The use hereby permitted shall not be commenced until details of any internal or external plant or extract ventilation system for the petrol filling station and healthcare centre including details of any external ducting and measures to control noise and vibration, have been submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be installed prior to the use commencing and retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Acoustic Fence

15. The acoustic fence and acoustic enclosure as shown on Dwg No. NJD21-0154-001R shall be installed in its entirety prior to the first occupation of either the Petrol Filling Station or Medical centre. A scheme showing the maintenance of the fence shall be submitted for the written approval of the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained for the life of the development unless otherwise approved in writing by the Local Planning Authority.

Lighting Scheme

16. Details of the lighting scheme for the petrol filling station and healthcare facility land shall be submitted for the written approval of the Local Planning Authority prior to the occupation of the development. The details will include how the lighting scheme has been designed to take into account the ecology of the site and neighbouring residential amenity. Once approved the development shall be implemented in accordance with the approved details and retained for the life of the development.

Oil Interceptors

17. Prior to the commencement of the development, the details of the oil interceptors shall be submitted for the written approval of the Local Planning Authority. This shall show that Surface water draining from areas of hardstanding within the petrol station and healthcare facility car park passed through an oil interceptor or series of oil interceptors as part of the surface water scheme. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, including the containment of accidental spillage, and shall be installed prior to the use of the petrol filling station and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s).

Tanks

18. Prior to the commencement of the development, a scheme to install the underground tanks shall be submitted to and approved in writing by the local planning authority. The scheme shall include the full structural details of the

installation, including details of excavation, the tanks, tank surround, associated pipework and monitoring system. The development shall be implemented in accordance with the approved details and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the Local Planning Authority.

Hours of Use

19. The Petrol Filling Station and kiosk use hereby permitted shall only be conducted between 0600h and 2200 hours on Monday to Sunday.

Deliveries and Air and Vacuum Services

20. No air or vacuum services machinery shall be operated nor any process carried out at the site outside the following times between 0800 and 2000 hours on Monday to Sunday.

Hours of Deliveries

21. No deliveries shall be taken at or despatched from the Petro Filling Station outside the hours of 0800 and 2000 hours on Monday to Sunday.

Electric Vehicle Charging Points (PFS, Medical Centre, Housing)

22. Prior to the occupation of the relevant unit (Petrol Filling Station, Medical centre and housing) forming part of the development, details of Electric Vehicle Charging Points (ECVPS) associated with that unit shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of charging equipment. The Electric Vehicle Charging Points (ECVPS) associated with each unit shall be installed prior to the occupation of that unit as approved and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

Illumination

23. Notwithstanding the submitted details, no totems or advertisements or signs shall be installed without the prior written approval of the Local Planning Authority. Before any signage is/are first displayed, a detailed specification for the intensity of the illumination of it/(them) shall be submitted to and approved in writing by the Local Planning Authority. The advertisement(s) shall not be displayed with a greater intensity of illumination than that approved.

Use Class Restriction

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the petrol filling station (Sui Generis) and healthcare facility (Use Class E(e)) shall only be used for the purposes specified in the application and for no other purpose (including those within the same Class of Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order) unless otherwise approved in writing by the Local Planning Authority.

Reason for conditions

1. To comply with Section 92 of the Town and Country Planning Act 1990

(as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. For the avoidance of doubt and in the interest of the character and appearance of the area in accordance with CP17 and DP32.
3. In the interests of highway safety in accordance with Local Development Framework Policies CP2 and DP3.
4. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with Local Development Framework Policies CP2 and DP3.
5. To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with Local Development Framework Policies CP2 and DP3.
6. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with Local Development Framework policies CP2 and DP3.
7. To establish measures to encourage more sustainable non-car modes of transport in accordance with Local Development Framework policies CP2 and DP3.
8. In the interests of the amenity of the development in accordance with Local Development Framework Policies CP1 and DP1.
9. To ensure the site is satisfactorily drained and to reduce the risks to the environment in accordance with Local Development Framework Policies CP21 and DP43.
10. To ensure the site is satisfactorily drained and to reduce the risks to the environment in accordance with Local Development Framework Policies CP21 and DP43.
11. In the interests of protection biodiversity and nature conservation in accordance with Local Development Framework Policies CP16 and DP31.
12. To ensure the satisfactory visual impact of the development in accordance with Local Development Framework Policies CP17 and DP32.
13. In the interests of the visual appearance of the area in accordance with Local Development Framework Policies CP17 and DP32.
14. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
15. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.

16. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
17. Oil Interceptors To ensure the site is satisfactorily drained and to reduce the risks to the environment in accordance with Local Development Framework Policies CP21 and DP42.
18. To ensure the site is satisfactorily drained and to reduce the risks to the environment in accordance with Local Development Framework Policies CP21 and DP43.
19. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
20. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
21. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
22. Electric Vehicle Charging Points (PFS, Medical Centre, Housing)
23. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
24. Use Class Restriction