

Parish: Easingwold

Ward: Easingwold

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Committee Date : 16 March 2023

Officer dealing : Mr T J Wood

Target Date: 7 February 2023

22/02574/OUT

Outline application with some matters reserved (access) for a mixed-use development comprising a food store, petrol filling station, 45no. senior living apartments, 51no. senior living bungalows, 60-bed care home, 70 no. dwellings (extant), medical facilities, and the creation of green walking routes, public open space and local areas of play.

At: OS Field 0488, York Road, Easingwold, North Yorkshire

For: Jomast Developments Ltd.

This application is presented to Planning Committee as it is a departure from the Development Plan (Hambleton Local Plan) that is recommended for approval.

1.0 Site, context and proposal

- 1.1 The application site is enclosed grassland, roughly heptagonal in shape and extends to approximately 8.2 hectares (20.21 acres). It is located on the south side of Easingwold fronting onto York Road.
- 1.2 The application site lies immediately to the south of the larger Longbridge Drive/ Longbridge Close housing sites and other smaller developments of Howlett Close and Clayhithe Mews, whilst a housing scheme on the former Ward Trailers site immediately to the west is now Driffield Avenue and Suskers Close. Easingwold Secondary School is located to the northwest, on the opposite side of York Road. Easingwold Business Park lies around 150m to the north-east and Easingwold's Town Centre is 0.7km from the site entrance and the Primary Retail Area (Market Place) is about 1km to the north.
- 1.3 The site consists of open fields with hedges and trees forming the boundaries between adjacent land. Hedgerows separate the site into four parts. A number of ditches are present along 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 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.
- 1.4 There are no public rights of way within or in close proximity to the application site.
- 1.5 The applicant's agents statement notes that: "The town has a good range of services including shops, pubs, convenience stores, banks, doctor's surgery, pharmacy, vets, leisure centre and schools. However, the town does lack some key services including a food store, petrol filling station and modern medical facilities." Officers concur with this view.
- 1.6 The supporting statement identifies the proposal to include:
 - Food Store - 1,917 sqm GIFA (1,315 sqm net sales area)

- Petrol Filling Station, including electric vehicle charging points
- PFS Convenience Store - 371 sqm GIFA (278 sqm net sales area)
- 70 dwellings – extant planning permission in place
- Senior Living Apartments – circa 45 apartments, fully accessible
- Senior Living Bungalows – circa 51 units., 39 to Cat 2 M4(2) and 12 to Cat 3 M4(3), age 55+
- Care Home – circa 60 rooms.
- NHS Medical Facilities & Hospital Beds
- Green Walking Routes, Public Open Space and Local Areas of Play

1.7 The proposal has been assessed with on the mix of uses and with reference to an illustrative layout that has been supplied.

1.8 The application is supported by the following documents.

- Air Quality Assessment (NJD)
- Arboricultural Survey, Arboricultural Impact Assessment & Tree Protection Plan (Elliot Consultancy)
- Biodiversity Net Gain Assessment (OS Ecology)
- Consultation Statement (Saddington Taylor)
- Design and Access Statement (Niemen Architects)
- Ecological Appraisal (OS Ecology)
- Flood Risk Assessment & Drainage Strategy Report (BGP)
- Framework Travel Plan (SAJ Transport Consultants)
- Landscape Architectural Design Document (Colour)
- Need & Supply of Older Person Specialist Accommodation in Hambleton (Tetlow King)
- Noise Assessment (NJD)
- Phase 1 Desktop Study Report (Solmek)
- Retail Statement (ELG)
- Transport Assessment (SAJ Transport Consultants)

2.0 Relevant planning and enforcement history.

2.1 The planning history of the site commences with the allocation of the northern two fields for employment development in the Local Development Framework.

2.2 13/02183/OUT Approval was given to a mixed use scheme of food store petrol filling station, health uses, public open space, car parking and means of access in 2014. In 2015 a further application was made 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”. The application was refused on 25.04.2016 and allowed at appeal on 13 June 2017. At the time of the application the housing land supply question was under close scrutiny in the district and the Inspector found *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.* Permission was granted.

2.3 Approval of reserved matters was given 20/01049/REM on 20 December 2021, the number of dwellings had been reduced from 80 to 70 units, the reserved matters approval expires on 20 December 2023.

- 2.4 The appeal scheme condition regarding the healthcare land has been discharged.
- 2.5 No works have commenced on the site and the permission
- 2.6 There is no relevant enforcement history.

3.0 Relevant planning policies:

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S2: Strategic Priorities and Requirements
Local Plan Policy S3: Spatial Distribution
Local Plan Policy S5: Development in the Countryside
Local Plan Policy EG1: Meeting Hambleton's Employment Need
Local Plan Policy EG3: Town Centre Retail and Leisure Provision
Local Plan Policy HG1: Housing Delivery
Local Plan Policy HG2: Delivering the Right Type of Homes
Local Plan Policy HG3: Affordable Housing Requirements
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E4: Green Infrastructure
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy IC1: Infrastructure Delivery
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy IC3: Open Space, Sport and Recreation
Local Plan Policy IC4: Community Facilities
Local Plan Policy RM1: Water Quality, Supply and Foul Drainage
Local Plan Policy RM2: Flood Risk
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM4: Air Quality
Local Plan Policy RM5: Ground Contamination and Groundwater Pollution
Local Plan Policy RM6: Renewable and Low Carbon Energy
Housing Supplementary Planning Document adopted July 2022

4.0 Representations

- 4.1 Easingwold Town Council – Wish to see the application approved. Wish the issues of access to school and town centre for those with mobility issues to be addressed noting the narrow width of the footpath on the development side of York Road. Wish a signal-controlled crossing to be installed. Wish to have reassurance that the phasing with prioritise the large food store, petrol filling station and car home prior to the building out of any of the residential property. Approval should be contingent upon the food store and petrol filling station being in the first stage build.
- 4.2 NYCC Highway – Note that the provision of a travel plan for the overall site is required. Notes the opportunity to improve infrastructure and services by the provision of

Upgrade the bus stops to include shelters

Widen the existing footpath on York Road to incorporate a cycle path to provide a safe route to the school

Provide a pedestrian crossing point as part of the right turn lane works on York Road.

Overall, the site is in a good position to encourage walking & cycling to and from Easingwold itself, but those modes would be limited to this area. We need to be sure that there are also options for those travelling further afield, e.g., for commuting purposes, so require more details on public transport services would be benefit.

Other matters

The Highway authority would also take this opportunity to state that the drainage on the site will be adopted by others apart from gully connections to the surface water sewer. The road layout within the site as shown may not slow vehicles sufficiently and suggest traffic calming features are introduced on the road layout.

The right turn lane shown on York Road as an improvement on an existing highway should be accompanied by a Road safety audit stage 1.

Trees have been shown within the landscaping for the site. Reminder that trees should be planted well away from the highway and no closer than 1.5m from the footway.

- 4.3 National Highways - The current forecast volume of trips would be unlikely to result in a severe impact upon the operation of the Strategic Road Network (SRN). As such, we would recommend that National Highways offers no objection to the planning application.
- 4.4 EHO – No objection in principle but advises that safeguards are required in respect of construction impacts from noise and dust, to mitigate noise impacts during operational use of the site, to control the opening times and operational activities to reflect those assessed in the submitted noise report. Recommended noise limits are made that acknowledge the countryside location and generally lower level of background noise. Pollution control measures including controlling light from the site is recommended.
- A permit relating to unloading, storing and refuelling of motor vehicles will be required upon which other controls will be put in place
- 4.5 NYCC Trading Standards acting as the Petroleum Enforcement Authority – advise no objection but note the requirements relating to the issue of certificates under the Petroleum (Consolidation) Regulations 2014.
- 4.6 EHO Scientific officer - I have assessed the Phase 1 Desk Study sk (Phase 1) Assessment produced by SOLMEK submitted in support of the above development. The report identifies potential risks from contamination, such as construction/demolition waste and hydrocarbons and recommends further investigation. In light of this information, the applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment.

Ideally this information should be submitted prior to determination, however, if you are minded to approve the application then I would recommend the following conditions in order to secure the investigation and, where necessary, remediation of any contamination on the site. Conditions are recommended.

- 4.7 North Yorkshire Fire and Rescue - have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.
- 4.8 Environment Agency – No objections provided the site is developed in accordance with the submitted Flood Risk Assessment with specific reference to Flood Risk Assessment is Ref: 226063, November 2022, prepared by Billingham George & Partners.
- 4.9 NYCC acting as Lead Local Flood Authority – Note site spans Flood Zones 1, 2 and 3, note that the higher risk areas is shown to be public open space. Acknowledge the high water table and that the discharge of surface water is to a watercourse and this will require approval of the Kyle and Upper Ouse Internal Drainage Board.
- 4.10 Kyle and Upper Ouse Internal Drainage Board - advocate percolation testing if soakaways are to be used and if discharging to a watercourse the rate should be restricted to 1.4 litres per second per hectare or greenfield runoff rate. No obstruction is to be placed within 7 metres of any watercourse. [Officer - As noted elsewhere the proposal is for discharge to a watercourse.]
- 4.11 Yorkshire Water – recommend conditions should be applied to any approval to safeguard the integrity of a water supply main within and/or adjoining the site. Conditions are also recommended to require details of surface and foul water drainage to be approved including details for any balancing works, off-site works, oil interceptors, and restriction of foul sewage pumping rates to 6.7 litres per second.
- 4.12 MOD Safeguarding – no safeguarding objections, request further consultation at the reserved matters stage.
- 4.13 Publicity - site notice posted 21 November 2022 on lamp post opposite site at end of Driffield Close.

4 letters of representations have been received from 4 correspondents, 1 support, 2 neutral and 1 objection raising the following issues:

Objection views

Concerned about increased traffic flows on York Road

Difficulty in crossing York Road due to increased traffic flows

Neutral views

Seeks better speed restriction on York Road, noting fast moving traffic and that increased flow will increase the hazard, advocates traffic lights or mini-roundabout.

Seeks provision of a safe crossing of York Road, noting increased flows of children to school and road traffic.

Support more housing for all generations provided medical access is guaranteed.

Wish to see trees and hedgerows retained on the boundary of the site with adjoining residential areas.

Concern about drainage implications for homes on adjoining land.

Supportive views

Considers the scheme will benefit Easingwold as long as the petrol station, food store and care home are built. Would not wish to find there is no occupier for these beneficial parts of the scheme.

5.0 Analysis

- 5.1 The main matter for consideration is whether the principle of the development is acceptable. This requires consideration of whether the proposal is in conflict with the policies of the Hambleton Local Plan 2022 and if so whether the benefits of the proposal outweigh the harm arising from a breach of the adopted Local Plan policies. This matter is considered first, the other issues are addressed in the second part of this analysis.
- 5.2 The Hambleton Local Plan sets out the strategic and development management policies; the following are relevant to the principle of the proposal. S1 Sustainable Development Principles, S2 Strategic Priorities and Requirements, S3 Spatial Distribution, S5 Development in the Countryside, EG1 Meeting Hambleton's Employment Need, EG3 Town Centre Retail and Leisure Provision, HG1 Housing Delivery, HG2 Delivering the Right Type of Homes.
- 5.3 The land is in the countryside, not supported by national policies or other policies of the local plan, it is not allocated for development. In summary the Local Plan policies do not support large scale development of land that is not allocated. The proposed development is, therefore, in breach of the Local Plan policies and approval of the scheme would be a departure from the policies of the Local Plan.
- 5.4 The applicants' case is that there is a need for development of the site to address shortfalls in provision.

The three tests

- 5.5 In the case of development on unallocated land legal advice to the council is to test:
- i) What is the need for the proposed development and how pressing is the need.
 - ii) Will the proposed development make a material contribution to address that need.
 - iii) Will the proposed development come to fruition.
- 5.6 The legal test to be met is "the balance of probability", this can be phrased as "more likely than not". The legal test should be applied to each of the three tests.
- 5.7 As noted above the applicant identifies that: 1) food store, 2) petrol filling station and 3) modern medical facilities are needed to serve the needs of Easingwold. The applicants' supporting statement does not draw attention to, but the proposal includes 4) older person housing (with enhanced accessibility standards), the demographic evidence supports the case for the provision of housing that meets the needs of the older people. It is appropriate to give special consideration to the benefits of each of the 4 components.

The first and second test

- 5.8 The town does not have a larger food store or petrol/fuel filling station. The 2013 application (see paragraph 2.2) included a food store to reduce the 'leakage' of trade, and to reduce the need to travel to undertake food shopping. Detailed assessment of the trading operations in 2013 led to approval of the 2013 application. The limited food retail provision and leakage in trading continues. Provision of a food store is needed to reduce the leakage and increase accessibility to food shopping for the growing population of Easingwold and those in the surrounding area. The need can be considered to be pressing.
- 5.9 The provision of a larger food store on the application site, that is accessible on foot, by wheel, by cycle and by road vehicles will address the need for a food store in the town to reduce 'leakage' and clawback trade. The case for a food store is considered to meet the 1st and 2nd tests.
- 5.10 Provision of a fuel station is needed as no provision exists in the town. The nearest fuel station to the north is at Thirsk and to the south is the garage a little over 1km to the north of Shipton. The absence of a fuel station in the town is considered to give rise to a pressing need to serve not just the town but also the surrounding communities. The case for a fuel station is considered to meet the 1st and 2nd tests.
- 5.11 Medical facilities exist in the town at the Millfields Doctors Surgery and at St Monica's hospital on Long Street, Easingwold. The NHS has indicated an interest in working with the developer to explore the potential for healthcare development and reviewing the scope of a standalone onsite facility. The NHS demands for space have not been set out, there is a lack of detail of the need now and for the future. The provision of a care home including nursing care as part of the scheme includes 8 beds for the NHS Trust. Correspondence of discussions between The Fisher Partnership and the NHS records that the York and Scarborough Teaching Hospitals NHS Foundation "Trust would like to take a block booking of 8 beds which would be to deliver Step-Up and Step-Down Care, which is bed based intermediate care provided as step-up beds (admitted from home as an alternative to acute hospital admission) or as step-down (transfer from acute hospital for people who require additional time and rehabilitation to recover but are unable to have this provided at home)." The proposal would provide a facility to replace the Alne Care Home (personal and nursing care for 32 people) operated by Fisher Partnership that is a large house converted and extended to form a care home, with a new purpose-built setting.
- 5.12 The reprovision of a care home, cannot be afforded as much weight as an entirely new additional facility. The proposal is for a larger premises (60 bed an increase from 32), noting that care home provision is undoubtedly required as are provision of medical facilities, weight can be afforded. The need for increased care home provision would meet the 1st and 2nd tests.
- 5.13 The NHS have not confirmed how healthcare needs of the growing population will be met in the town to meet the needs of Easingwold and surroundings. Provision of an extension to the Millfields Surgery and a new GP surgery at Tollerton have enlarged health care provision but these were needed to meet pre-existing needs and there is no evidence on whether they have the capacity to meet the future needs of the growing and ageing populations of Easingwold, town and villages. It is considered that on the balance of probability that the provision of medical facilities would meet a need that is pressing, and that the contribution would be significant. The case for medical facilities would on balance meet the 1st and 2nd tests.

- 5.14 The need for older person specialist accommodation in Hambleton is the subject of detailed study in a report by Tetlow King prepared for the applicant. The report sets out the growing ageing population and lack of significant policy requirements in the Local Plan (despite efforts by the Council at the time of Examination in Public of the Local Plan) to provide housing to meet the care and accessibility needs. The need for specialist housing is quantified with reference to the published data (see Tetlow King report received 8 November 2022, paragraph 2.42). The report concludes that the provision of bungalows and age restricted homes, is “low” relative to the “astonishingly” high proportion of older people. The provision of housing to meet the needs of an ageing population is pressing as the Census 2021 shows a 24% increase of over 65’s. The care home will contribute to meeting the needs of the ageing population. The age restricted bungalows, achieve spin-off benefits for the wellbeing of older residents, achieve public health cost savings and will free-up under-occupied family housing. The case for a housing to meet the needs of older people is considered to meet the 1st and 2nd tests.

The third test – will development come to fruition

- 5.15 Testing whether the development will come to fruition and deliver the benefits requires assessment of the viability of the proposals. Experience has shown that the financial viability of a proposal at the time of application and decision can later be affected by national and local economic factor. The sequence of development to provide the 4 components of ‘needed’ development ahead of, or in parallel with the other elements is critical to satisfying the third test of ‘delivery’.
- 5.16 A rigorous assessment of viability and phasing is therefore necessary to give confidence that the claimed benefits can be achieved.
- 5.17 An economic viability assessment by JLL for the applicants has been the subject of scrutiny for the Council by Align Property Partners. The assessment for the council has tested whether the development would be viable when the fuel station, food store, care home (including medical facilities), senior living apartments and senior living bungalow are brought forward at the same time the 70 dwellings. In addition to scrutiny of the economic viability assessment a request was made for “sensitivity analysis” to test sensitivity to changes in build costs, sales value, and finance costs. This additional work was undertaken by JLL and reviewed by Align to consider the risks of the development and give reassurance to the council.

The advice from Align reports:

“I have received and reviewed JLL’s most recent report in relation to the subject case.

The applicant has now included a sensitivity analysis, providing optimistic and pessimistic scenarios on topical inputs (build cost, finance and sales revenues).

My position has not changed, and I can confirm - I’m satisfied that the scheme is viable and the methodology includes sufficient risk cover and makes sensible assumptions. As discussed, in my opinion, some elements appear light but changing these inputs only results in a stronger, more viable scheme.”

- 5.18 Control of the phasing or sequence of development can be achieved through a Planning Obligation. Whilst a breach of a Planning Obligation is a matter addressed through the courts, a prosecution may not easily remedy a breach and consequently it is important that a good level of confidence is achieved that the scheme will be delivered as set out in the “heads of terms”.
- 5.19 The developer has committed to bring forward the development of the care home, food store and fuel station plot sales in 2023 with the residential developments commencing in 2024-2025.
- 5.20 The outcome of the assessment of viability is that the site is viable and should remain so during the 55 month build out, projected to end with affordable housing sales to a registered provider in autumn 2027.
- 5.21 An operator of the fuel station and care home is advised. An operator of the food store is known to the developer but not publicly available.
- 5.22 The specification, provision and future operation of medical facilities is an area of significant uncertainty. In the absence of these details less weight can be given to the potential benefits of the medical facilities. It is also noted that the 2014 appeal decision included medical facilities and although the same applicant brought forward “reserved matters” that have approval no details of future services or operator have emerged. Applying the test of “on the balance of probability”, “more likely than not”, the lack of evidence regarding the medical facilities (other than the 8 beds in the care home) means the test is not met.
- 5.23 There are substantial public benefits to be gained from the provision of the food store, fuel station, care home, and older person housing. The provision of medical facilities would bring further public benefit, but this is not secured in the details available and much less weight can be given to the potential public benefit of the medical facilities (other than 8 care beds) as part of this proposal.
- 5.24 The needs for the developments have been found to be real and pressing. The issues of retail impact and policy assessment of other matters are considered further in the following paragraphs. The contribution the scheme would make to addressing the needs is substantial. The scheme has the real prospect of coming to fruition. The scheme is considered to have passed the three tests and can, subject to the further assessment, be considered a justified case for a departure from the policies of the Development Plan.

Strategic issues – sustainable development

- 5.25 Hambleton Local Plan S1 opens with the aim that:

“The Council will seek to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change.”

It is considered that the development will contribute to the sustainability of the community as it provides services and facilities that are currently missing or under-provided in Easingwold. The development would support the role of Easingwold to provide services to residents and to other nearby communities as required by S3. A focus of the development proposals is the green space within the scheme, whilst the development would ‘take’ open agricultural land the scheme would achieve a higher quality of residential environment than is commonly achieved on new developments. The scheme has the potential to achieve a significant reduction in

the need for travel through the provision of the services and facilities locally to Easingwold. The proposals can be conditioned to achieve climate change mitigation and biodiversity enhancement.

Strategic issues – housing supply

- 5.26 The scheme is to provide a policy compliant mix of market and affordable housing as required by HG2 and HG3 and will maintain high rates of new home completions and extend the housing land supply in the District as required by S2 and HG1 at a very high level. Currently about 500 housing completions in 2022-23 will be achieved and a housing land supply exists of about 9 years.

Strategic issues – employment and retail

- 5.27 Policy EG1 does not set a requirement for employment development in Easingwold and allocates land at Shires Bridge Mill, Easingwold to achieve research and development space, together with development for industrial processes, general industrial or storage and distribution uses.
- 5.28 Provision of retail floorspace within the town is limited and the absence of suitable sites and the heritage status of the town centre precludes significant additional floor space in the central part of Easingwold. Although the Hambleton Retail Study Update Note (March 2019) found no quantitative need for additional convenience retail capacity the need to travel to access larger and greater choice of food stores is well known.
- 5.29 Policy EG3 seeks to maintain and enhance the vitality and viability of Easingwold as a district centre, meeting the day to day needs of the surrounding rural areas. Retail development on a site outside a Primary Shopping Area or other town centre uses is required to demonstrate compliance with the Sequential test set out in national policy and be supported by an impact assessment in the case of floorspace of 400m² or more. Policy EG3 states that schemes will be refused where a) they fail to satisfy the sequential test, or b) they would have significant adverse impact on the vitality and viability of any defined centre, or existing, committed or planning public or private investment in the catchment area of the proposal. The submitted retail statement provides a sequential test and impact test for the 1917m² food store (1315m² net) and 371m² convenience store (280m² net) and concludes that the proposal would 'clawback' significant amounts of trade, more than 50% of the trade would be clawed-back from food stores in York, 24% from Tesco Extra at Clifton Moor, York alone. The existing stores in Easingwold would continue to trade above benchmark values and would not harm the vitality or viability of the town centre.

Strategic issues – development in the countryside

- 5.30 Policy S5 sets the tests for development in the countryside. Development in the countryside is only to be supported where it is in accordance with national planning policy or other policies of the land and would not harm the character, appearance and environmental qualities of the area in which it is located. The loss of the best and most versatile agricultural land (grades 1, 2 and 3a) is to be avoided. The site is shown in the Natural England mapping as grade 3. The available mapping does not define whether the site is 3a or lower. As set out above the development is not supported by policies of the Local Plan or national policy and approval would require a departure from the policies of the Local Plan. A worst-case scenario that must be considered is that the development would result in the loss of grade 3a, best and most versatile agricultural land.

Other matters

Access

- 5.31 Access to the site on foot, wheeled and by cycle, the availability of public transport, HGVs and other vehicles access are the subject of study in the transport assessment. Commentary has been received from consultees including National Highways and the Local Highway Authority as well as local residents. Amendments have been discussed to provide a signalised crossing point on York Road to ensure that the most vulnerable highway users are protected and can achieve safe access to the development. A signalised crossing and additional right turn lane at the York Road site junction is considered to be likely to change driver behaviour resulting in a reduction in vehicle speeds. The matters can be controlled by condition to ensure appropriate access is achieved in compliance with Local Plan policies S1, E1, IC1 and IC2 and through improvements to amenity for neighbours' compliance with E2.

Drainage

- 5.32 Drainage of the site is acknowledged to be complex due to high water tables and the relatively low rates of fall on watercourses. The site is not at significant risk of flooding, the more than 95% of the site is within Flood Zone 1. Land in Flood Zones 2 and 3 exist to the south-eastern extremity of the site this is shown as open space in the proposed block plan. The developer's strategy for the site includes raising ground levels and attenuation of surface water. Similar challenges have been faced on the adjoining developments to the north of the application site. The Local Plan policy tests in RM1, RM2 and RM3 require a managed approach to control foul and surface water, reduce risks of flooding on site or on other areas and to avoid pollution. It is considered that a suitable engineered design can be provided that would enable a conditional approval of the site.

Housing

- 5.33 The proposed affordable housing, tenure, type and size of all dwellings are stated to meet policy requirements of Policy HG1, HG2 and HG3. Specialist accessible (M4(3) and M4(3)) and older person housing is an important part of the scheme and is supported by Policy HG2. The viability assessment work undertaken has shown the development to be viable for a policy compliant scheme. A planning obligation under s106 should be used to control the provision of Policy HG3 compliant affordable housing.

Healthcare

- 5.34 Additional healthcare provision had been noted in the Hambleton Local Development Framework and in the supporting text of Local Plan Policy IC4 which records:

“7.51 The need for a new healthcare facility in Easingwold has been identified by the NHS and Clinical Commissioning Group. The need for expansion of the medical centres in Thirsk and Stokesley market towns has been identified.”

Healthcare provision continues to be a matter of concern in the comment of correspondents to this application. Whilst a 'worked-up' scheme with a future occupier has not been provided, the additional space for healthcare in the town can be supported. A planning obligation under s106 should be used to control the provision of healthcare land and facilities and to compel the developer to continue to

work with the NHS to achieve good health outcomes through improvements in facilities for the population with a particular focus on the ageing population that is such a substantial part of the proposals.

Design

- 5.35 Design and layout are matters that are reserved for later approval. Local Plan policies E1, E2, E4 and E7 require for reasons of townscape, amenity impacts, wildlife and landscape that a high standard of design is achieved. The preparation of the reserved matters application (see paragraph 2.2 above) achieved a high standard of design by reducing the number of units within the scheme. The scheme acknowledges the requirement for a smaller number and continues to propose 70 dwelling. A design code can be required to be prepared, by Policy E1, for all types of development and specifically by Policy EG6 for commercial development, and for the design to be considered by a Design Review Panel and to follow the National Model Design Code. Subject to provisions in a planning condition (or within a section 106 agreement.)
- 5.36 The layout of public open space is a matter that can be controlled by the reserved matters and provisions of a section 106 agreement. The design must also make provision for a net gain in biodiversity as required by The Environment Act and policy E3.
- 5.37 During construction works pollution including ground contamination and groundwater pollution is a risk to the environment and site workers. Conditions can be imposed to mitigate these risks as required by Local Plan policies RM4 and RM5.
- 5.38 A design that reduce energy demand and increases the use of renewable energy should be prepared to respond to Local Plan policy RM6.

Conclusion and planning balance

- 5.39 The proposal is a departure from the policies of the Local Plan. It has been found that the outline proposals show a scheme that could bring benefits to the community through the provision of services and facilities and job opportunities during construction and a range of jobs during the operation/occupation. The scheme would achieve economic gains through construction and occupation. The impacts on the environment are relatively significant through the loss of agricultural land but that land does not hold special importance to the setting of the town or countryside. Provided that the “reserved matters” achieve a high-quality of design the scheme can achieve local gains for biodiversity and landscape. Furthermore, the clawback of trade to the town and local provision of services can reduce the need to travel to more distant locations to gain access to these services and achieves community, social and economic benefits for the community.

Next steps

- 5.40 Work remains to be done: 1) to confirm the details of the access and crossing of York Road, 2) in the preparation of the planning obligation to secure the benefits of the scheme and 3) the preparation of planning conditions that will inform the details to be approved at ‘reserved matters’ stage. This work should include liaison with local members of the community ideally through the Easingwold Town Council to

ensure that the needs of local people are fully understood and opportunities for achieving an exemplary scheme are taken wherever possible.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to a planning obligation under section 106 of the Planning Act relating to the following matters:

1. Provision of affordable housing
2. Provision and maintenance of public open space
3. Provision of off-site highway works including a signalised pedestrian crossing of York Road in proximity to Outwood Academy Easingwold, York Road.
4. Phasing of the development to include earlier provision of fuel station, food store, care home and healthcare plan coordinator to inform the reserved matters submission and facilitate healthcare improvement.
5. Design code preparation including design review panel proceedings.

And planning conditions:

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. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: a) layout, b) scale, c) the siting, design, and external appearance of each building, including a schedule of external materials to be used; d) landscaping of the site.
3. The detailed plans required by condition 2 above shall indicate the precise position of adjacent buildings, and shall include sections through the site to indicate the levels and height of the development in relation to surrounding properties and/or the locality in general.
4. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
5. The development shall not be commenced until a plan has been submitted to and approved in writing 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. Submission of these details is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.

6. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

7. Above ground construction 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. The development shall be implemented in accordance with the approved details.

8. 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 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. No plant and machinery shall be used at the premises unless prior to its use, it has been fitted with sound insulation materials in accordance with a scheme which has been approved by the Local Planning Authority. The sound insulation materials shall be kept in place at all times when the machinery is in use.

10. Surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, before discharge to the public foul or combined sewer network.

11. No building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre line of the water main i.e. a protected strip width of 10 metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority

that the diversion or closure has been agreed with the relevant statutory undertaker.

12. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

14. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6.7 litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

15. 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.

16. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority. Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

17. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

18. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

19. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

20. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

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

- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

21. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level or block paved (as approved) and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

22. All the approved on-site and off-site facilities shall be design and approved before the commencement of the relevant phase of development and shall provided in accordance with details of the previously approved layout and designs including the sequence of the phases of programmed works.

23. Prior to the commencement of development, other than initial demolition, a Construction Management Plan including details of hours of operation and delivery times, methods of controlling noise and dust, details of lorry routes to and from the site and site security measures during the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details.

24. Any pressure/jet washing facilities located at the approved petrol filling station shall not be operated between 23:00 and 07:00.

25. Internal noise levels to be achieved in all habitable areas attributable to external noise sources with windows shut and adequate room ventilation provided. 35dB LAeq 16hr 07.00 to 23.00 30dB LAeq 8hr 23:00 to 07:00
45dB LAmax 23:00 and 07:00

26. Prior to first use of the senior living apartments, a scheme for the provision of an acoustic barrier or fence to protect the amenity of existing residents to the north shall be submitted and approved by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in accordance with the approved details.

27. No above ground construction work shall be undertaken until details showing how 'Secured by Design' principles have been incorporated into the

scheme have been 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.

28. The permission hereby granted shall not be undertaken other than in complete accordance with Site Location Plan (drawing number 0011-001-NIE-XX-XX-DR-A-011 Rev.P2), Existing Site Plan (drawing number 0011-001-NIE-XX-XX-DR-A-002 Rev.P2), and Proposed Site Access Arrangement (drawing number JN2464-Dwg-0003C) unless otherwise approved in writing by the Local Planning Authority.

29. The development shall be limited as follows:

- i. The area of the food store shall be not less than 1725m² gross (1183m² net) and not more than 1917m² gross (1315m² net).
- ii. The area of the convenience store at the fuel station shall be not more than 371m² gross (280m² net).
- iii. Medical facilities shall not be fewer than 8 care beds for step-up or step-down care within the care home and space as required from the findings of the healthcare plan coordinator required by the Planning Obligation.
- iv. Not more than 45 senior living apartments, comprising a mix of single and two bedroom units, including at least 30% affordable housing.
- v. Not more than 51 senior living bungalows, comprising a mix of single and two bedroom units, including at least 30% affordable housing.
- vi. Not more than 60 bed care home including medical facilities.
- vii. Not more than 70 dwellings, including at least 30% affordable housing.
- viii. At least 13,500m² of public open space to provide a range of the types of open space as set out in the Local Plan Appendix E

30. No above ground construction work shall be undertaken until full details of the phasing of the construction of the development hereby approved including, but not limited to, a site layout plan identifying the proposed location and timing of construction of the dwellings, convenience store, petrol filling station, care home and healthcare uses, signalised crossing on York Road, the provision of internal roads, footpaths, cycleways, and public open space shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out only in accordance with the phasing details approved under this condition.

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. Taking into account the existing site levels, to ensure that the proposed development will not have an adverse effect on the amenities of adjoining or nearby properties and the local scene in general in accordance with the Hambleton Local Plan Policies E1, E2 and E7.
4. 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 Local Plan Policies S1 and E1.
5. To ensure that the trees that are of value are protected in accordance with Local Plan Policies S1, E1 and E7.
6. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.
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 safeguard the amenity of existing and new neighbours to the development in accordance with Hambleton Local Plan policy E2.
10. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
11. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
12. In order to allow sufficient access for maintenance and repair work at all times in accordance with policy IC1 of the Hambleton Local Plan.
13. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
14. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
15. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies S1 and E2.
16. 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 in accordance with the Hambleton Local Plan Policy RM5.

17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
20. In accordance with Policy S1, E1 and E2 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
21. In accordance with Policy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
22. To ensure an appropriate network of paths and roads are provided to serve the needs of users of the development in accordance with Hambleton Local Plan policies S1, E1, E2, IC1 and IC2.
23. To protect the amenity of nearby residents and to accord with policy E1 and E2 of the Hambleton Local Plan.
24. To protect the amenity of nearby residents and to accord with policy E2 of the Hambleton Local Plan.
25. To protect the amenity of residential occupiers in accordance with policy E2 of the Hambleton Local Plan.
26. To protect the amenity of nearby residents and to accord with policy E2 of the Hambleton Local Plan.
27. 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.
28. 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 Hambleton Local Plan policies E1, E2 and IC2.
29. To ensure that the extent of the development is limited to that proposed and assessed in the application.
30. To ensure that the community benefits of the proposed development at delivered at an early stage of the construction process.