

Item Number: 8
Application No: 15/01517/73AM
Parish: Malton Town Council
Appn. Type: Major Non Compliance Conditions
Applicant: Taylor Wimpey (North Yorkshire) Ltd
Proposal: Variation of Conditions 11, 14 and 33 of approval 14/00346/73AM dated 27.08.2014 by submission of amended and additional plans in relation to road arrangements and associated landscaping
Location: Land North Of Broughton Road Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 23 March 2016
Overall Expiry Date: 16 March 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	No views received to date
Public Rights Of Way	Recommend informative
NY Highways & Transportation	No views received to date
Parish Council	No views received to date
Tree & Landscape Officer	No views received to date
Tree & Landscape Officer	No views received to date
NY Highways & Transportation	No views received to date

Neighbour responses: Mr William Caldwell, Mr & Mrs P Davies,

SITE:

The application site involves the new link road, alterations to the existing Broughton Road and associated land in connection with the Taylor Wimpey development which is currently under construction on Broughton Road. There are existing dwellings fronting Broughton Road to the south of the site, at the top of Newbiggin and on Outgang Road. Recently built houses on the Taylor Wimpey development lie to the north.

PROPOSAL:

The outline application granted permission for:

Residential development including dwellings, associated garages, open space, electricity sub-station and provision of a new Broughton Road to Pasture Lane Link road.

The outline approved the principle of the access details - subject to Conditions dealing with usual technical details.

The scheme is designed with its main entrance to the site from Broughton Road and involves the construction of a new road to link to Pasture Lane. A new roundabout will facilitate vehicle movements and a pedestrian link to the town is shown running through an open area towards Newbiggin. The landscape concept show on the outline application, and detailed in the reserved matters showed the new link road as a tree lined avenue.

The original outline application was approved in November 2011 subject to a number of conditions, and the requirement to submit reserved matters in respect of the details. Reserved Matters approval of a detailed layout for 284 dwellings was submitted and approved on 16th October 2012.

A number of the conditions related to detailed highway requirements. The development has commenced on site with access via the approved temporary access. The technical details for the link road have been produced in consultation with North Yorkshire Highways. This has resulted in slight changes to the layout of the road, and the size of the roundabout. The need for the changes have arisen primarily to provide improved exit visibility to Outgang Lane, and to accommodate a larger roundabout. The requirement for the larger roundabout is to enable a larger refuge island for pedestrians to be provided, and to allow two lanes at the approaches to the roundabout on three arms. The main changes to the layout approved on the outline application are:

- A 'dip' in the road at the south eastern end of the site;
- A slight re-alignment at the approaches to the roundabout and to the northern boundary of the landscaped area which is located between the truncated section of Broughton Road and the new roundabout;
- As a result of further discussions with North Yorkshire Highways, the truncated part of Broughton Road, which provides access to some of the existing dwellings on the southern part of Broughton Road, has been reduced in width;
- A minor reduction in the green space between the existing Broughton Road, and the new link road (around 2 metres) at the south eastern end of the site. To address the loss of planting in this area between the two roads, the re-design includes a traditional stone wall to link the existing planter in this area with the retained hedge.

The application also includes details of highway drainage, bus stops, cycleways and other highway issues conditioned on the outline application.

HISTORY:

Application 10/00899/MOUT: Residential development including dwellings, associated garages, open space, electricity sub-station and provision of a new Broughton Road to Pasture Lane Link road (site area 12.93ha) - Approved 07.11.2011

Application 11/01182/MREM: Erection of 3 no. five bedroom, 110 no. four bedroom, 101 no. three bedroom and 48 no. two bedroom dwellings, associated garages, public open space, electricity sub station, formation of Broughton Road to Pasture Lane link road and landscaping (outline approval 10/00899/MOUT dated 07.11.2011 refers.) - Approved 16 October 2012

Application 13/01141/MFUL: Erection of 27no. 4-bed dwellings, 23no. 3-bedroom dwellings, 17no. 2-bed dwellings and 16no. 1-bed dwellings, associated garages, parking, public open space and landscaping. (former allotment site) - Approved 9th April 2015

Application 14/00346/73AM: Variation of Conditions 11(1)(a) and 15 by replacement of "50 No. dwellings" by "80 no. dwellings" - maximum number of occupied dwellings that relate to the temporary vehicular access arrangements and the completion of construction of the listed highway works - and Variation of Condition 16 to allow the use of the temporary access for 24 months from the first occupation of a dwelling on the site (until April 2016) - addition of a further 12 months of use. All Variations in relation to approval 10/00899/MOUT dated 07.11.2011

POLICY:

Ryedale Plan - Local Plan Strategy: adopted 5 September 2013

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP3 - Affordable Housing

Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services
Policy SP13 - Landscapes
Policy SP14 - Biodiversity
Policy SP15 - Green Infrastructure Networks
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP18 - Renewable and Low Carbon Energy
Policy SP19 - Presumption in favour of sustainable development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

National Policy Guidance

National Planning Policy Framework 2012 (NPPF)
National Planning Policy Guidance 2014, (NPPG)

APPRAISAL:

The principle of the residential development, including the new link road and access was established when the outline application was approved in November 2011. The material considerations relevant to this application are limited to:

- Highway considerations
- Impact on character of the area
- Neighbour amenity

Highway Considerations

The revisions to the link road have arisen during the process of providing the detailed technical drawings. The applicants Highway Consultants have fully engaged with North Yorkshire highways throughout the process. The submitted scheme is a result of addressing highway requirements, but also to ensure that the final details maintain a similar landscape setting to the residential development that was originally approved. The application also seeks to discharge conditions imposed on the outline planning permission. During the course of formalising the details, a number of meetings have been held between Ryedale District Council Planning and Landscape officers, together with North Yorkshire Highways, and the applicants' highway and landscape consultants.

As submitted, the proposed plans included a raised mound between the truncated section of Broughton Road and the western arm of the new link road. This is to reduce the potential for glare from headlights of drivers on one road impacting on drivers on the other carriageway. An objection from an immediate neighbour has been received into this aspect of the submitted plans. The visual impacts of this are addressed in the section below. The neighbour particularly expressed concern that if they were driving in a western direction, and wished to turn left to access their property, (Wayside), they would be under pressure to quickly leave the carriageway. If the mound is in place, it could restrict visibility of pedestrians walking along the footpath. Officers considered that this was a valid concern and discussed the issue with the applicant and NYCC Highways Officers. Accordingly, the plans have been revised to take account of the concerns from a pedestrian safety and design point of view. The plans now include a heavy standard tree in this area, together with a native species hedge. This will be a Beech 'Ready' hedge which will provide the necessary screening as soon as it is planted. The drawings include a 2m x2m visibility splay for pedestrians.

Revised plans to address officer and neighbour comments were received on March 2nd 2016 and re-consultation carried out. As such the final comments of the Highway Authority are awaited, and it is hoped to update Members at their meeting.

Impact on the character of the area

During consideration of the outline application and also the reserved matters submission, significant attention was paid to the appearance of the site as a whole, and its sensitive location on the approach to Malton. Members will note from the drawings that the approved development includes large areas of open space to the south of the new link road. Furthermore strategic planting was provided along the link road and existing Broughton Road. Extensive negotiations have been carried out to ensure that the changes to the highway layout have not eroded the design ethos of this approach to Malton. Application 15/1522/73AM, addresses the detail of the changes to the landscaping throughout the site.

The large areas of open space have however been maintained. Indeed, the smaller area between the roundabout and the truncated former Broughton Road, is 34m in depth at its greatest. Whilst the western arm of the roundabout has been lowered by approximately 2.5m, the truncated part of Broughton road has been reduced in width. This ensures that the overall proportions of the landscaped area are little changed. The area will be planted with 10 heavy standard trees along its northern boundary where it adjoins the link road and roundabout. A neighbour has expressed concern regarding the loss of a tree, and suggested that if the road was not re-aligned it could be retained. The road alignment at this point is however very little changed, and the Councils' Tree and Landscape Officer has confirmed it would not in any event have been possible to retain the tree. The applicants landscape consultant has made the following response:

In regard to T14 (Lime) located on the road verge, this specimen was always going to be removed as part of the development. Even with the previous road layout which was very slightly further from the tree, a large proportion of the tree rooting zone would have been affected by construction and this tree would not survive. In order for this tree to be successfully retained the whole road structure would need to be moved at least 7m to the north which is not possible. In the new landscape proposals we will look to replace this tree with various others of the same species or native that will provide an attractive avenue along the new road network.

The revised plans now include a tree at the western end of the truncated Broughton Road to replace the tree that is to be removed. Part of the existing hedge that currently forms the northern boundary was shown to be removed. This is in part because of the location of drainage in the open space to serve the road. Negotiations have resulted in revised plans which include a new hedge to be provided along the northern boundary of the open space between the proposed tree planting. Replacement hedging will also be provided on the northern side of the western arm of the link road.

As discussed in the earlier section of this report relating to highway considerations, the submitted plans originally included a mound in front of Wayside and Ryedale View. This was to reduce the potential impact of light glare between the two roads. A letter from neighbouring residents (Wayside) expressed concerns that this would "cause a significant visual impact and could potentially be difficult to maintain and have the ability to be an eyesore from day one. This specific concern was raised with the applicant, highway engineers and their tree and landscaping consultants, and a revised layout provided. As stated above, this includes a replacement tree together with a new native species hedge. It is considered that this is a more natural and sympathetic design solution, which will respect the character of this approach to Malton.

The largest parcel of open space will not be significantly changed from that originally approved. Its western and south western boundary will be reduced by approximately 2m. However given the scale of the land it is not considered that it will be readily discernible. At its greatest, it has a depth of approximately 70m, with a width of approximately 150m. It will predominantly be laid to grass, with a tree lined footpath across it. The previously approved plans for the site showed a continuation of the tree planting along the southern extent of the new link road, to the front of 14 and 15 Broughton Road. It is this end of the site that will have the greatest change. The road has been moved south by approximately 5m at this point, which has reduced the area available for planting of standard trees. The change will also result in the reduction in the size of the existing stone planter to the south of Outgang Road, and the consequential removal of an existing tree, although it was anticipated that this tree would also have been removed on the original scheme. The loss of the trees shown to be planted

on the approved landscaping plans is regrettable. However, it has not been possible to provide a design solution that provides adequate visibility from Outgang Lane and nearby dwellings, whilst retaining the proposed trees at this point. It is apparent on site however that the character of this part of the site relates to the built up area of the town. This is typified by substantial stone walls that form the boundary with the footpath in many areas in this part of the town. The applicants have therefore followed this design lead, and have incorporated a substantial stone wall to continue from the stone planter and meet the remains of the existing hedge that will be retained in the large open space. Whilst this approach is more urban, it is considered that it will reinforce a traditional characteristic of Malton and ensure that the development fits well with its immediate surroundings. The wall will commence at 2m in height, reducing to 1m as the ground level rises.

It is considered that the overall level of new tree planting is significant, and will provide an attractive canopy of trees in the area. Furthermore with the location of a traditional wall at the southern end of the site will enhance the character of the area.

The detail of the approved landscaping will be considered in application 15/01522. However for information there will be 89 new trees planted along the spine road with an additional 35 apple and cherry trees in the plantation area at the southern end of the site.

Neighbour Impact

It is not considered that the proposed changes to the road will have a material adverse impact on the existing amenities of the occupiers of those houses already constructed by Taylor Wimpey, nor indeed on many of the houses on the existing Broughton Road or Outgang Lane. The large landscaped open spaces to the south of the link road and roundabout will soften what would otherwise be a very urban environment. The outlook from 12 to 15 Broughton Road, will appear different with the loss of some of the tree planting originally envisaged. Nevertheless, the combination of the new trees still proposed on the northern side of the new link road, together with the plantation at the end of Outgang Road is such that it is not considered that the change to the scheme will have such an impact on neighbouring amenity that would warrant refusing the application.

At the western end of the site, 5 dwellings are accessed by the truncated branch of the existing Broughton Road. There is some change to the width of this section of road, and also the position of the turning head, however it is not considered that this will have a significant adverse impact on neighbouring occupiers amenity. The slight reduction in the boundary of the northern area of the open space will not be readily discernible to most occupiers compared to the approved landscape and road scheme. The application has however been brought to Committee because letters of objection have been received from the occupiers of Wayside and Ryedale View as referred to earlier in the report. The occupier of Wayside has raised a number of objections which can be read on the Councils' website, but include the following broad areas.

1. significant concerns that their dwelling will not be accessed from the truncated part of Broughton Road like their neighbours properties. They include concerns that whilst they entered into correspondence with both Ryedale District Council and Taylor Wimpey over the years, their concerns have not been addressed.
2. They have been given the assurances received from the developer regarding the access they made changes to their property to improve the on-plot turning circle, and spent money doing so.
3. A plan has only now shown the detail of the changes immediately adjacent to their property. The plans show a 'mound' designed to stop headlights from vehicles on the cul-de-sac causing confusion for drivers on the B1257. Given that the road layout has been approved when did the mound first appear. Consider the mound will cause a significant visual impact and blot on the landscape.
4. Principle objection to the mound is highway safety. Concern that it will restrict visibility when vehicles are turning into Wayside of pedestrians

5. Consider that if the mound were removed there would be sufficient space to enable them to enjoy the same access to the cul-de-sac as their neighbours. Without it they are 'out on a limb'. It will therefore effect their residential amenity.
6. The mound is not the only way that the 'opposing headlight' issue can be overcome. Has a fence been considered? Can the road be moved to the north to allow them access to the cul-de-sac?

In response to these points, the new link road was approved under the original outline application 10//00899/MOUT and also the subsequent reserved matters. The submitted plans did not show access from Wayside to the cul-de-sac. However whilst the occupiers of Wayside and Ryedale View were consulted on the outline application, no comments regarding the access were received. It was not until consultation was carried out in relation to the reserved matters that the occupiers of Wayside raised concerns regarding the access. The occupants were advised that the access had already been approved, and that the reserved matters application only related to the detail of the housing layout. As such the concerns could not be addressed as part of the reserved matters. Officers did however pass the neighbours concerns to both the Highway Authority and Taylor Wimpey.

Officers did however advise the occupants as early as February 2012 that it was not possible to access Wayside from the cul-de-sac because of the alignment of the changes to Broughton Road. Whilst it appears that the occupants have had further discussions directly with Taylor Wimpey over the years regarding the access there is no suggestion attainable access arrangements have been agreed with the Highway Authority. It is not considered therefore that officers have any option but to take the advice of the Highway Authority in this matter. Given that the detail of the layout has not changed, it is not considered that the slight change to the road alignment in relation to the approved plans will have a significant adverse impact on the existing amenities of neighbouring occupiers in relation to this aspect. However as discussed above, their concerns regarding the proposed mound have been discussed with the applicants, and their Highway consultants and landscape architects. It is considered that the revised plans address the concerns raised by deleting the mound, and replacing it with more landscaping. The neighbours have been re-consulted on the revised plans, and Members will be updated at their meeting.

A letter of objection has also been received from the occupants of Ryedale View. Their letter includes the following main points:

1. The drawings are difficult to interpret. request clearer plans
2. Drainage Layout. what is the beck/ditch for all the water from the highway?
3. The general layout plan shows a wider verge adjacent to the new housing which push the new road towards the original houses thus needing a mature tree to be removed.
4. Conditions were imposed for a reason and the developer should have considered them before setting out the development
5. Wayside is a semi detached house and should not be isolated from other properties. It should have the same access. Also concerned regarding the sight lines for vehicles leaving Wayside.
6. The narrow access with a 90 degree bend now being shown from Ryedale View into the cul-de-sac would make deliveries and removals difficult. Is it suitable for a furniture removal lorry?
7. Also request details of TPO. Disappointed that two mature trees will be removed and areas of mature hedging which are a wildlife habitat.
8. Pedestrians use the footpaths between Malton and surrounding villages. Will access be maintained on both sides of the road?

9. What arrangements have been made to address existing flooding between Wayside and the leisure centre.
10. Broughton Road is lower than existing housing which reduces sound disturbance and visual impact of traffic. What environmental studies have been carried out to assess effect. Will passengers on top deck of buses be able to look in.
11. What is the purpose of the embankment outside Wayside?
12. Why does roundabout need to be enlarged?
13. Consider previous conditions should be complied with.

The main body of this report addresses the reasons why the applicants have submitted a revised plan. Objectors comments regarding the clarity of the original information have been addressed by officers who have requested further information. This has since been submitted and is the subject of further consultation.

Reference is made to complying with conditions. The conditions required information to be submitted in relation to such aspects as drainage, highway specification, bus stops etc. This would normally be considered as part of a condition discharge application. However the applicants considered that it would make sense to submit all the information alongside the revised plans. This enables the Highway Authority to consider all matters together. Concerns regarding the access and the location of the mound to the front of wayside have been addressed earlier in the report.

Pedestrian access will be maintained along the existing Broughton Road to the south of the site, and also on the northern side of the new link road. A bus stop will also be provided on both sides of the road on the western arm of the roundabout.

In relation to drainage, this will discharge to soakaways which will be designed to take account the capacity of surface water generated. It is anticipated that the new soakaways will address the existing flooding that occurs on occasion between Wayside and the leisure centre on the existing 'B' road

The formal response from the Highway Authority will take account of visibility from existing dwellings.

The loss of existing trees and hedging is regrettable. However the rationale for their removal is detailed earlier in the report. The Council's Landscape Officer has advised that the existing hedgerow is of poor quality in parts and a better quality hedge could be provided. Accordingly the revised plans show a replacement hedge to an improved planting specification. Comments have been raised regarding the impact of noise etc from a raised road on neighbour amenity. The new road was approved by application 10/00899/MOUT and it is not considered that the changes for consideration by the current application will give rise to greater noise or disturbance. As such it is not considered that it is reasonable to require any more information at this stage.

As mentioned earlier, re-consultation has been carried out and Members will be updated at their meeting.

Recommendation

The principle of the development and the new link road were approved in 2011 and was confirmed again at the approval of reserved matters stage in 2012. It is not considered that the revisions will have any material adverse impact on the existing amenities of neighbouring amenities. The Highway Authority, have been fully involved in discussions on the development. Their formal response is however awaited. The recommendation is therefore one of approval subject to no objections from the Highway Authority or as a result of new material considerations raised by any consultees. If

Members resolve to approve the application a deed of variation of the existing Section 106 Agreement will be required to take account of this application.(The consultation period expires 16.03.2016).

RECOMMENDATION: **Approve subject to no new adverse comments from consultees, and a Deed of Variation of the existing Section 106 Agreement.**

The precise re-wording of highway conditions will follow, on receipt of the formal comments of the Highway Authority.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties