

**14/02609/FUL**

**Construction of 56 dwellinghouses with associated access, parking, open space and landscaping and demolition of 56 Ainderby Road at Land to rear of 56 Ainderby Road, Romanby for Persimmon Homes (Yorkshire) Ltd.**

**1.0 APPLICATION SITE AND PROPOSALS**

- 1.1 The application site comprises land to the rear of 50-66 Ainderby Road with the proposals including the demolition of number 56 to allow access to the site. The site covers 1.8 hectares in total and lies to the south of St Paulinus Drive and St Cuthbert Drive, with The Green further to the north. On the northern boundary is an ash tree, which is protected by a Tree Preservation Order (ref: 15/00002/TPO). The application site is on various levels and undulates down to the southwestern boundary where a Waste Water Treatment Works is located.
- 1.2 The proposal is for the erection of 56 dwellings including four, four-bedroom houses; 31, three-bedroom houses; seven, two-bedroom houses and five, two-bedroom bungalows. Aside from the bungalows, the houses comprise of house types of two-storey form, some with a third floor in the roof space. The proposal includes 22 affordable housing units (39.2%) on a range of house types including three of the bungalows.
- 1.3 The proposed density would be approximately 31 dwellings per hectare with the proposal including two areas of open space.
- 1.4 The application is supported by a Design and Access Statement, Odour Assessment, Agricultural Land Classification Assessment, Planning Statement, Sustainability Statement, Drainage Feasibility Report and Flood Risk Assessment.

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 76/0681/OUT - Outline application for residential development; Withdrawn 26 October 1976.
- 2.2 76/0705/OUT - Outline application for residential development; Refused 25 November 1976.
- 2.3 88/0140/OUT - Outline application for residential development; Refused 9 March 1989, Appeal dismissed 9 April 1990.
- 2.4 89/0394/OUT - Outline application for residential development; Refused 10 October 1989.
- 2.5 90/0177/OUT - Outline application for residential development: Refused 4 September 1990.
- 2.6 15/00005/TPO2 - TPO in relation to an Ash Tree (Tree Preservation Order 2015 No 5); Confirmed 2 June 2015.

### **3.0 RELEVANT PLANNING POLICIES**

#### 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP7 - Phasing of housing  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP9A - Affordable housing exceptions  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP11 - Phasing of housing  
Development Policies DP12 - Delivering housing on "brownfield" land  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP26 - Agricultural 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 DP39 - Recreational links  
Development Policies DP43 - Flooding and floodplains  
Affordable Housing - Supplementary Planning Guidance – April 2015  
Size Type and Tenure of New Homes - Supplementary Planning Document - Adopted September 2015  
National Planning Policy Framework - published 27 March 2012  
National Planning Practice Guidance  
Written Ministerial Statement on Landscape - 27 March 2015

### **4.0 CONSULTATIONS**

- 4.1 Romanby Parish Council - Object to the application on the grounds that the land is outside the development limits as set out in the Local Development Plan drawn up in 2011.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Yorkshire Water - No objection.

- 4.4 Yorkshire Wildlife Trust - The Drainage Feasibility Report is disappointing as there appears to be no attempt to use sustainable drainage options to support biodiversity, slow water flow into the surface water sewage system and improve water quality.
- 4.5 Environmental Health Officer - No objection.
- 4.6 Network Rail - No objection.
- 4.7 Police Architectural Liaison Officer - A series of recommendations are made in relation to crime and anti-social behaviour.
- 4.8 Public Rights of Way Officer - No objection subject to an informative ensuring that rights of way are not closed or diverted without notification and appropriate procedures being followed.
- 4.9 Ramblers Association - No objection.
- 4.10 NYCC Education Services - Sought a contribution of £190,344.00 [Section 106 contributions were replaced by the Community Infrastructure Levy during the course of this application].
- 4.11 Environment Agency - No objection - As the applicant states that they intend to dispose of surface water run-off to public sewer, all surface water drainage arrangements must be agreed with Yorkshire Water before development commences.
- 4.12 Housing Officer - This site lies beyond the development limits of Northallerton. Within Hambleton housing can be developed on rural exception sites on the edge of villages where it meets an identified local need. Such schemes are small in scale, circa 15-20 homes of which 100% must be affordable. The scale of development proposed in respect of this application far exceeds this level.

However, if this site was deemed acceptable in planning policy terms for open market housing there would be an affordable housing requirement and a number of Housing requirements would need to be met. The proposal has been assessed within this context below.

Percentage of Affordable Housing: Northallerton is a Service Centre in the Hambleton Settlement Hierarchy where there is an affordable housing target of 40% on any development sites of 15 or more residential dwellings. This proposal is for 56 homes of which 22 should be affordable unless evidence in the form of a development appraisal can be provided to show that this number would make the scheme unviable.

Tenure: The tenure split should be 70% for rent and 30% for intermediate tenure unless there is evidence supported by need and confirmed by a registered partner to support a different mix.

Distribution: To accord with policy the affordable homes should be dispersed across the site in clusters of no more than six to eight dwellings.

Space Standards and Transfer Prices: To meet the Council's affordable housing requirements the dwellings must be of a size that meets the Council's minimum standards or at least the nationally Described Space Standards, the dwellings must be transferred to a Registered provider at the Council's agreed Transfer price.

To meet housing need the affordable homes should be a mixture of two and three bedroom houses, predominantly two bedroom.

Market Housing Mix: The Council is also concerned to ensure that all housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth.

There is evidence to support the following market mix on larger market sites across Hambleton: 10% two bedroom bungalows, 10% one bedroom & 60% two & three bedroom homes. In September 2015 the Council adopted a Size, Type and Tenure of New Homes SPD setting out this target.

This proposal is for predominantly two and three bedroom houses which should offer more affordable accommodation for families, couples and first time buyers. The applicant is also proposing 5 bungalows (9% of the total) which is welcomed as this should improve the housing offer for downsizers

4.13 Public comment - A site notice was displayed and neighbouring residents were notified. In total 104 letters have been received from local residents over the course of the application. Some residents have written more than once as there have been a number of iterations and amendments to the proposed plans including a reduction in the number of units from 70 to 56. The principal reasons for objecting to the proposal are:

- The site is outside Development Limits;
- There is no need for further housing - especially with the North Northallerton Development Area and the loss of jobs in the area;
- Flooding and drainage solutions have not been demonstrated and the capacity of the sewerage and drainage system is inadequate;
- The concerns raised by North Yorkshire Police have not been addressed;
- There appears to be a lack of visitor parking allocation on the new plans. Where will all the cars end up, most likely half way up footpaths and on the corner of junctions;
- Doubts about the accuracy of supporting documents which indicate a higher level of development;
- Setting a precedent for further development of the area;
- The development would exacerbate traffic congestion in the area;
- The designs are out of keeping with the area with too many town house properties; and
- Inadequate school and health facilities to cope with additional demand.

## **5.0 OBSERVATIONS**

5.1 The key determining issues are (i) the principle of development and the Council's housing land supply position; (ii) the likely impact of the proposal on the character of the area; (iii) residential amenity; (iv) flooding and drainage; (v) the likely impact on the protected tree; (vi) the likely highway impact and parking provision; and (vii) affordable housing.

### The principle of development and housing supply

5.2 The NPPF places emphasis on maintaining a five year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure

choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.

- 5.3 In order to calculate the current five year housing land requirement for Hambleton it is necessary to take the Objectively Assessed Need (OAN) of 274 dwellings per annum calculated in the January 2016 Strategic Housing Market Assessment (SHMA) as a starting point. The SHMA uses a base date of April 2014.
- 5.4 Over five years this produces a need for 1,370 dwellings ( $274 \times 5 = 1,370$ ). The numbers of dwellings completed in 2014/15 and 2015/16 have exceeded the OAN figure of 274 and therefore there has been no under-supply since the April 2014 base date so there is no backlog within the District, to be added to this requirement.
- 5.5 In order to ensure choice and competition in the market it is prudent to add a further 5% buffer to the 5 years' OAN figure as required by the NPPF. 5% of 1,370 is 68, so taking these elements together the 5 year housing land supply requirement for the District is 1,438.
- 5.6 The Council has undertaken a robust survey of all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 5.7 This latest monitoring data shows a deliverable supply of dwellings over the next five years sufficiently high for the Council to be able to demonstrate double the required five year supply.
- 5.8 This latest monitoring data shows a deliverable supply of 2,781 dwellings over the next five years. This exceeds the revised five year housing land requirement by 1,341 dwellings, and allows the Council to demonstrate a deliverable supply for the next 9.7 years.
- 5.9 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and it could be argued that an additional 5% of the District's housing requirement would contribute towards the overall objectives of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits.
- 5.10 Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.11 The site includes 0.5 ha Grade 2 and 0.5 ha Grade 3a agricultural land which are considered to fall within the "best and most versatile" (BMV) category. LDF Core Policy CP16 and NPPF paragraph 112 set a presumption against the loss of such land to development and where losses of BMV are necessary, this should be following a thorough assessment of the options through the local plan process. The loss of the Grade 2 and Grade 3a agricultural land is thus a factor against the proposal.
- 5.12 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.

### The impact of the proposal on the character of the area

- 5.13 The proposal has been through a series of amendments and alterations during the course of the application. As stated this has reduced the number of dwellings from 70 to 56. Even with this reduction and acknowledging that two areas of open space are proposed, the proposal would fundamentally and significantly alter the open and rural landscape on the edge of Romanby which would be contrary to Policy DP30 and weighs against the proposals, in accordance with the Written Ministerial Statement on Landscape, dated 27 March 2015.
- 5.14 The proposal has been amended during the course of the application to present detached and semi-detached properties to the rear of Ainderby Road, and whilst the outlook from these properties would change, it is considered that the proposal would achieve an appropriate relationship with the adjacent built up area.

### Residential amenity

- 5.15 Yorkshire Water advises that it has a right of access to the Waste Water Treatment Works (WWTW) via an existing track which is located directly adjacent the site i.e. western boundary. Vehicular access, including large tankers could be required at any time and local residents, particularly those in the two additional properties closest to Wooden Hill Lane could be adversely impacted at times.
- 5.16 It is also noted that two additional houses would be located on the area proposed as a green space and hence closer to Romanby WWTW (as well as its access road) and so the applicant has reviewed an odour report originally produced in 2013, following a meeting with Yorkshire Water, in this regard. The additional two properties do not alter Yorkshire Water's opinion that future residents are unlikely to suffer a loss of amenity as a result of the proximity of the WWTW.
- 5.17 The comments of neighbours have been carefully considered and amendments sought in an attempt to address the comments raised.
- 5.18 The separation distance between plot 2 and 54 Ainderby Road would be approximately 13.5m with garden lengths for plots 5-11 (to the rear of 50- 54 Ainderby Road) ranging from 10.5m to 12.5m. At the nearest point (Plot 5) the separation distance to 54 Ainderby Road would be approximately 22.5m rising to 28m to 52b Ainderby Road. These distances would ensure that the amenities of neighbouring residents are not significantly adversely affected by the proposal.
- 5.19 The separation between the proposed bungalows and 62 and 64 Ainderby Road are approximately 15m and 13m respectively. Taking account of the form and orientation of the bungalows it is considered that they would have a satisfactory relationship with neighbouring dwellings and the amenities of adjacent occupiers would not be significantly affected in an adverse manner.

### Flooding and Drainage

- 5.20 The comments of residents are noted and due to the proximity of the application site to Yorkshire Water's assets, the issues presented have been carefully considered by Yorkshire Water.
- 5.21 On surface water, Yorkshire Water highlights that the developer has confirmed that it is intended for surface water to drain to Willow Beck as there is no capacity in the existing public sewerage system for such water.

- 5.22 Whilst the comments of residents are noted the use of the Beck is considered to be a tenable and sustainable drainage solution in light of the comments provided by the Environment Agency and Yorkshire Water. Yorkshire Water recommends a planning condition for full details which could include details of management details to ensure that the Beck continues to be managed and maintained appropriately.
- 5.23 Flooding is a high profile issue due to recent events. The site is located in Flood Zone 1 at the lowest risk of flooding and therefore the measures proposed and the areas of open space included in the proposed layout are considered appropriate to address the national requirements and local planning policy with regard to flooding and the availability of infrastructure. It would therefore be inappropriate and unsustainable to justify a reason for refusal on these grounds in the absence of an objection from from Yorkshire Water or the Environment Agency.

#### The Impact on the Protected Tree

- 5.24 Tree Preservation Order 05/2015 applies to an ash tree on the northern boundary and was confirmed during the course of this application. The scheme has been amended to take account of this tree which is an important feature in the landscape.
- 5.25 The proposal includes two parking spaces under the crown of the tree but it is considered that suitable construction methodology (e.g. hand digging) could be used to ensure that there was no damage or compaction to the root system. Should all other matters be considered to be acceptable this could be dealt with by condition.

#### Highway Impact and Parking Provision

- 5.26 Residents raise concerns with regard to the parking provision and the capacity, safety and congestion of roads in the area and these have been carefully considered by Officers and the Highway Authority.
- 5.27 The proposal includes two parking spaces for each dwelling and as such provides an adequate level of parking provision and the Highway Authority raises no objection subject to conditions relating to provision of visibility splays.

#### Affordable Housing

- 5.28 The policy target for affordable housing in this location is 40% and the proposed development would 22 affordable housing units, 39.2% of the total, which is considered to be acceptable in this case. The majority of the proposed affordable units are fully compliant with the adopted SPD on affordable housing in terms of size and type. The bungalows are not wholly compliant with the SPD. However, the SPD does not make an allowance for a single storey property and the proposed floor areas are compliant with the national floor space standards for this type of dwelling. The application is considered to be acceptable in terms of the proposed affordable housing provision.
- 5.29 However it is normal to secure full details of the affordable housing content by means of a planning obligation under S106 of the Town and Country Planning Act 1990 and the absence of such an obligation can form a reason for refusal.

#### The Planning Balance

- 5.30 The applicant has sought to address questions raised about the design, layout and form of the proposed development and has offered affordable housing on site to meet the requirements of adopted policy in this regard. However, in the light of the current housing land supply, these matters are not considered to be outweighed by the harm

caused by the approval of what is considered to be un-sustainable development and as such the application is recommended for refusal for the following reasons.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The site lies beyond the Development Limits of Romanby and in a location where development should only be permitted exceptionally. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, CP6, CP16, DP8, DP9 and DP30 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.
  2. The proposal comprises a greenfield development including a significant proportion of Best and Most Versatile Agricultural Land. The proposal would therefore be a form of unsustainable development causing environmental harm. Taking account of the housing land position, there is no justification for the proposal in terms of the economic or social roles of sustainability and the proposal would therefore be contrary to Hambleton Local Development Framework policies CP4, CP7, CP16, DP10, DP11, DP12 and DP30 and the Written Ministerial Statement on Landscape dated 27 March 2015.
  3. In the absence of a signed Planning Obligation the proposal fails to deliver an appropriate level of affordable housing contrary to Policy CP9, CP9a and DP15 of the adopted Hambleton Local Development Framework as amplified by the Adopted Affordable Housing Supplementary Planning Document.