

Parish: Aiskew

Ward: Bedale

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Committee Date: 26 May 2016

Officer dealing: Mrs H M Laws

Target Date: 7 June 2016

16/00266/OUT

**Outline Application for the construction of 17 houses with all matters reserved.
at land south of Northallerton Road, Leeming Bar
for Mr David Eyles**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This outline planning application seeks permission for the change of use of agricultural land at the eastern end of Leeming Bar on the southern side of the A684. All matters are reserved for a later stage of approval (i.e. access, appearance, layout, scale and landscaping). It is proposed to construct 17 houses on the site.
- 1.2 The site covers an area of 0.9 hectares and lies immediately to the south of the application site that is the subject of the previous item on this agenda (16/00224/OUT).
- 1.3 A layout plan has been submitted for illustrative purposes showing the siting of the dwellings and the position of the access leading directly from the hammerhead proposed for the adjacent development, with a second road leading from the proposed access road, both subsequently leading onto the A684 opposite numbers 35 and 37 Northallerton Road. The application has been submitted with a Design and Access Statement; a Drainage Strategy; a Phase 1 Habitat Survey and a Phase 1 Desk Top Study Report.
- 1.4 The current land use is agricultural grazing land with no buildings or structures. A hedgerow lies along the rear, southern boundary of the site. A mature ash tree lies within this hedgerow. To the north, south and east of the site there is open farmland. Recent development has taken place to the west on Foundry Way.
- 1.5 The illustrative scheme proposes a mix of detached and semi-detached units incorporating garaging and either two or three (accommodation in the roof space) storeys in height. A total of six dwellings are proposed as affordable housing (35%).

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None on the site. Application 16/00224/OUT, for development of land immediately to the north with 13 dwellings, is reported elsewhere on this agenda.

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 CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Aiskew and Leeming Bar Parish Council - object to his application as the existing sewage works is not adequate. The Councillors would like to know if the existing sewers will be used.
- 4.2 Highway Authority - conditions are recommended
- 4.3 Yorkshire Water Services - conditions are recommended regarding a sewer diversion and drainage. No objections in principle to the proposed drainage scheme.
- 4.4 Swale & Upper Ouse Internal Drainage Board - The drainage strategy is acceptable. I should be obliged if you would attach a condition to any approval that the drainage be constructed in complete accordance with the submitted strategy.
- 4.5 Environmental Health Officer - as part of the site lies within the RAF Leeming noise restriction area and the remaining part within the noise insulation area development shall not begin until a scheme for protecting the proposed dwellings from noise from RAF Leeming has been submitted and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied.
- 4.6 Senior Scientific Officer (contaminated land) - The Phase 1 Desk Top Study Report (ARC Environmental, project 15-893) submitted in support of the above application is satisfactory although the report makes recommendations for a Phase 2 Ground Investigation in order to explore further potential pollutant linkages. The intrusive works recommended include:
- Drilling of boreholes and excavation of trial pits;
 - Installation of ground gas and ground water monitoring wells;
 - Contamination screening of made ground for contamination.

I would support this recommendation for further works and look forward to early discussion with the developer on the detailed proposals for this investigation. I would also recommend that top soils on site, if they are to be re-used as part of the development in gardens and public open spaces, will require testing to ensure they are suitable for use. The number and location of soil samples and the parameters to

be tested should be agreed in advance with the Local Planning Authority. In order to secure these additional works I would recommend a condition.

4.7 Site notice/local residents - three objections have been received from residents of Northallerton Road, as follows:

- Extra pressure on existing drains i.e. surface water main drainage and sewage also another entrance from Northallerton Road
- As a previous victim of flooding at my house am worried of these extra houses will do to the existing drains and sewage. Could this lead to more flooding in the future.
- My concern is with the Foul Sewers (FS). Currently the FS runs down Northallerton Road and turns south at the east end of the proposed development and runs across the fields to the sewerage works. This drain is very old and historically takes a certain quantity of surface water in addition to the foul water. We know the FS is at, if not beyond, capacity as in periods of heavy rain it backs up and the properties on Northallerton Road are flooded. YW are aware of this and the sewer is I understand on their five year Capitol Upgrade programme. They have mapped the surface water connections that are made into this FS. When the new sewer from these houses and indeed the ones currently under construction are connected to this FS in the South East Corner of the proposed development it will exacerbate the problem.
- With the lack of proposed traffic calming on Northallerton Road, the new development introduces new roads joining the main road nearer the derestricted section of Northallerton Road, what if any steps are being taken to slow the traffic.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development and housing supply; (ii) affordable housing provision; (iii) the impact on the character and appearance of the area; (iv) the impact on neighbour amenity; (v) highway matters; and (vi) the impact on protected species.

The Principle of Development and Housing Supply

5.2 The site lies outside the Development Limits of Leeming Bar, which is defined in Policy CP4 of the Core Strategy as a Service Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF.

5.3 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.

5.4 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.

5.5 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.

- 5.6 In order to ensure choice and competition in the market, NPPF paragraph 47 requires a further 5% buffer to the 5 years' OAN figure. 5% of 1,370 is 68, so taking these elements together the 5 year housing land requirement for the District is 1,438.
- 5.7 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.
- 5.8 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 Grade 2/3 agricultural land which is 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 this grade of agricultural land is therefore 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.

Affordable Housing Provision

- 5.13 LDF Policy CP9 requires development of two or more properties outside Service Centres to provide affordable housing on site at a proportion of 40%. It is proposed to provide a total of six units, which would result in 35% affordable, less than that required by LDF Policy CP9. Taken as an average, however, with the adjacent site (proposed 46%) the figure would be 40% and therefore is considered to be acceptable.
- 5.14 Illustrative details only have been submitted of the proposed units, which appear to be two storey semi-detached properties. Policies CP8 (Type, Size and Tenure of Housing) and DP13 (Achieving and Maintaining the Right Mix of Housing), require proposals for housing to take account of local housing need in terms of the size, type and tenure of dwellings, including appropriate provision for the needs of elderly people. As with most outline planning applications it is expected that the proposal

will be refined at the reserved matters stage and details submitted to address these policies.

- 5.15 In order to secure the suggested 40% affordable housing provision adequate provisions need to be put in place via a Section 106 Agreement and to ensure that the affordable housing will meet local housing need.

Impact on the character and appearance of the area

- 5.16 The application site is currently an undeveloped field and therefore the development of 17 dwellings would fundamentally alter the open and rural landscape on the edge of the village. The application site is bounded on the west by residential development. If the application site to the north is granted permission and developed it is considered that the proposed scheme would relate well to the setting of the existing residential areas of the village. It would not be possible to develop the site on its own as there is no proposed access to the A684 other than via the adjacent application site and, in any event, if developed on its own, the site would appear incongruous without the immediate boundary of the A684.

Impact on Neighbour Amenity

- 5.17 The application is outline with all matters reserved so although an indicative layout has been provided, this is not for approval at this stage. The application site lies far enough from existing dwellings to ensure that there would be no overlooking or immediate impact on existing residential amenity. Design details, such as plot shape and individual house siting, as well as window positions, are reserved matters. Visual bulk, overlooking and loss of privacy are therefore for consideration at a later stage but it is likely that a suitable design could prevent such occurrences from affecting the amenity of neighbouring residents.

Drainage

- 5.18 Many local concerns, including those of the Parish Council, are with regard to the foul sewer and the flooding that this occasionally causes on Northallerton Road. The site would be developed with separate systems for foul and surface water drainage and the rate of surface water disposal would be restricted. Yorkshire Water is satisfied that the work proposed by the developer within the submitted drainage report would result in satisfactory and sustainable drainage.

Highway Matters

- 5.19 All matters are reserved but the illustrative layout shows the position of the access. The Highway Authority has given consideration to its position along the main road, bearing in mind that the opening of the Bedale bypass later this year should have an effect on vehicle numbers along this stretch of the A684. The proposed development includes provision for off-site parking and garaging, the details of which would be provided at reserved matters stage. The Highway Authority raises no objection subject to conditions.

Impact on Protected Species

- 5.20 Policy DP31 of the Development Policies DPD states that "Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value".

- 5.21 The habitat survey submitted with the application concludes that the site currently has a low conservation value with no notable habitats for breeding birds, barn owls or bats or potential bat roost habitat and limited potential for nesting birds. It is concluded that the proposed development is unlikely to have a significant adverse effect.
- 5.22 Recommendations to enhance the site biodiversity are made and a suitably worded condition could be imposed to secure the implementation of these measures.

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 Leeming Bar. The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits. 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 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.