

**Parish: Linton-on-Ouse**

Ward: Easingwold

**3**

Committee Date: 23 June 2016

Officer dealing: Mr Andrew Thompson

Target Date: 21 April 2016

**16/00387/OUT**

**Outline application with all matters reserved for the construction of five dwellings at land adjacent to Applegarth Cottages, Main Street, Linton on Ouse for Mr William Kirby**

**1.0 APPLICATION SITE AND PROPOSAL**

- 1.1 This application was originally reported to Planning Committee at its meeting of 28 April 2016, where it was resolved that planning permission would be granted subject to conditions. However, the assessment of the application had taken account of the fact that the Ministerial Statement "Small-scale developers" of 28 November 2014, which had prevented an affordable housing contribution being secured in line with Council policy, had been declared unlawful and quashed by the High Court.
- 1.2 On that basis, the Planning Committee's resolution to grant planning permission had been subject to securing 50% affordable housing in line with Development Plan policy. Subsequent to the Committee's resolution, the Court of Appeal overturned the High Court's decision on 11 May 2016, the Planning Practice Guidance has been updated to restore the guidance to accord with the 28 November 2014 Ministerial Statement and its prevention of affordable housing contributions being secured from schemes of this scale.
- 1.3 The matter is presented to Planning Committee again for decision in view of this significant policy change to enable members to decide whether the scheme should still be approved without the affordable housing contribution.
- 1.4 The application site lies to the south side of Main Street and to the east of Applegarth Cottages, outside but abuts the Development Limits of Linton on Ouse. Opposite the site are residential properties with Linton Meadow to the northeast. A public footpath runs outside the site but along the eastern boundary. The River Ouse runs to the south approximately 500m from the application site at the nearest point. The site is in Flood Zone 1, at the lowest risk of flooding.
- 1.5 The application is in outline, with all matters reserved, for the construction of five dwellings on the field. At this stage no detail is submitted but the application is supported by a Design and Access Statement, which states that the development will be of good quality and in keeping with the character and appearance of the village. It indicates that the detailed design will include a landscaping scheme, which will enhance the local natural environment and include the planting of native species and will be developed in accordance with relevant planning policy and standards.
- 1.6 On access the applicant highlights that the site is located directly on Main Street, the principal street of the village. It is stated that access would be gained from Main Street and designed in accordance with relevant planning policies and standards

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 81/0857/OUT - Outline application for residential development; Refused 26 March 1981. This site was larger than that currently applied for.

### **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 CP3 - Community assets  
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 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 DP13 - Achieving and maintaining the right mix of 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  
Interim Guidance Note - adopted by Council on 7th April 2015  
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Policy Framework - published 27 March 2012  
National Planning Practice Guidance  
Ministerial Statement "Small-scale developers" of 28 November 2014

### **4.0 CONSULTATIONS**

- 4.1 Parish Council - considered the above application at their recent Parish Council meeting. At this stage the Parish Council have no objection to the outline application. They did however request that consideration be given to issuing a tree preservation order with respect to the large tree in the corner of the plot subject of this application.
- 4.2 Scientific Officer (contaminated land) - No objection subject to conditions.
- 4.3 Highway Authority - No objection subject to conditions.
- 4.4 Rights of Way Officer - No objection.
- 4.5 Yorkshire Water - No comments.

4.6 Public comment - letters have been received from two local residents raising the following concerns:

- Objections to the size of the properties which are not needed;
- Loss of fields used as grazing land;
- Would not object to affordable houses or starter homes;
- This is Green Belt land and should not be built on unless absolutely necessary;
- Potential flooding issues to the rear from the ditch to the rear of the site;
- Sewerage problems in the area; and
- Blocking driveways.

## 5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of developing the site, taking account of the Council's Interim Policy Guidance; (ii) the impact of the proposal on the character of the area and residential amenity; (iii) flooding and drainage issues; (iv) highway impact and parking provision; and (v) affordable housing.

### Principle

5.2 The site as noted is not within Development Limits of a settlement within the Settlement Hierarchy included in policy CP4. Policy CP4 seeks to restrict new development unless it meets the tests of policies CP1 and CP2 and demonstrates an exceptional circumstance under the criteria of CP4. In this case no exceptional circumstance is claimed and the scheme cannot benefit from the provisions of CP4. The NPPF is more permissive and the Interim Policy Guidance (IPG) has been adopted to bridge the gap between the LDF policy and that of the NPPF.

5.3 The IPG notes that small-scale development adjacent to the main built form of a settlement will be supported where it results in incremental and organic growth. As a guide, small scale would normally be considered to comprise up to 5 dwellings. However, each development must be considered on its own merits taking into the account the scale and unique character and appearance of the settlement. The IPG sets out six criteria for the consideration of development, which are discussed below.

5.4 Linton on Ouse is designated as a Service Village in the Hambleton District Council Settlement Hierarchy 2014. Service villages are identified in the Hambleton Core Strategy Policy CP4 as the main location of services to promote those provided by Service Centres (i.e. Market Towns including Easingwold), to help meet the needs of local communities. The scheme would be within 400m of a village shop and post office, the village hall and playing field; a public house and public transport facilities, which include services to York and Easingwold. The proposal is also approximately 800 m from the primary school. As such the proposal would be located close to facilities which future residents could take advantage of without needing to rely on the private car.

5.5 There have been no other housing sites proposed within Linton on Ouse seeking to benefit from the provisions of the IPG.

### Character of the area and residential amenity

5.6 As the proposal has all matters reserved, there is no detail to consider the impact on the character of the area in terms of scale and mass of the proposals but the depth of the site would mean that the proposals would reflect the built form and character of the existing settlement, in particular Applegarth Cottages. The applicant has indicated that the detailed design will be developed in accordance with relevant planning policy

and standards and the applicant has been made aware of the types of housing at most need in the District in order to develop their Reserved Matters submission.

- 5.7 Being for 5 houses, and considering the scale of the settlement, the proposal is considered to be small scale and could be designed to reflect the existing built form and character following the established building line to the east and on the opposite the side of the road. The proposed site depth would be similar to that of the neighbouring Applegarth Cottages and therefore the proposed site would follow existing established built forms and the settlement character. Taking account of the site size, the proposal could also be designed in a manner that would reflect and retain natural features such as hedgerows and trees with gaps maintained between properties and new planting enabling an enhancement to the local environment.
- 5.8 The precise relationship to neighbouring residents would be formed through the detailed design. There is adequate space to design appropriate separation distances and mitigation to reduce the physical impact of the proposals.
- 5.9 The comments of local residents are noted and have been considered. The site is not within the Green Belt and the policy presumptions relating to Green Belt land do not apply. The comment that more properties could be accommodated on the site is also noted. Whilst the site would be a large site for five dwellings, this could equally allow spacing between properties and a mix of styles and type of properties presented in the Reserved Matters. This, together with the retention of trees and hedges within and adjacent to the site, would also reduce the developable area but would help to achieve a high quality of development that is sought by local and national policy.

#### Flooding and drainage

- 5.10 Whilst the comments of residents regarding flood risk at the site arising from the poor performance of local watercourses are noted, the site is outside Flood Zones 2 and 3 relating to the River Ouse and associated watercourses. The proposal is below the national criteria for requiring the introduction of sustainable drainage systems. A site inspection undertaken during a very wet period in early March shows no standing water on the site or local flooding. However the proposal could be designed to incorporate natural drainage systems. Yorkshire Water has raised no comments with regard to the proposal.
- 5.11 There is no evidence to demonstrate that the proposal would cause significant harm in relation to flooding and drainage.

#### Highway impact and parking provision

- 5.12 The comments of the Highway Authority are noted. There would be no objection raised subject to a satisfactory design being brought forward at the Reserved Matters stage. In order to form an entrance to the site some of the hedge on the frontage would have to be removed but a planting scheme could also be required to enhance the natural features of the site.

#### Affordable housing

- 5.13 As indicated in paragraph 1.2, the restoration of the guidance to have the same effect as the Ministerial Statement of 28 November 2014 means that its prevention of affordable housing contributions being secured from schemes of this scale must be taken into account. As such, it is recommended that permission is not the subject of any requirements for the provision of affordable housing.

## **6.0 RECOMMENDATION**

6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following 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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale of buildings overall.
3. The Reserved Matters details shall include a detailed landscaping scheme for the site, (including any necessary phasing of implementation) to be approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of: ( i) existing and proposed ground levels; (ii) dimensions of planting beds; (iii) site preparation; (iv) plant species/densities; (v) tree species/sizes and locations; (vi) arrangements to be made for the disposal of surface water; (vii) hard landscaping works; (viii) associated protective fencing to existing hedges and trees to be retained; and (ix) details of management and maintenance of any none private spaces created within the site. The approved scheme shall be implemented in accordance with the submitted details.
4. As part of the Reserved Matters submission details drainage details, including any sustainable urban drainage systems in the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the dwelling they relate to is occupied, and thereafter retained in good working condition as appropriate.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
6. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements; (a) The details of the accesses shall have been approved in writing by the Local Planning Authority; and (b) The crossings of the highway verge and/or footway shall be constructed in accordance with the approved details and Standard Detail number E6. All works shall accord with the approved details.
7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of each of the accesses. The eye height will be 1.05 metres and the object height shall

be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
11. No development shall be commenced until a schedule of facing materials to be used in external walls and roofs has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the submitted details.
12. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
13. No soils shall be reused or imported onto site unless they have been certified as suitable for use in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority.

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. To ensure the success of the landscaping and planting scheme, and the establishment of the plants and to ensure the success and continuation of the landscaping and planting scheme, and the establishment of the plants for the future.
4. To promote the use of such drainage systems and to ensure that the proposals do not result in flooding either to the proposed properties or elsewhere.
5. In the interests of highway safety
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
7. In accordance with Local Plan policies CP2, DP3 and DP4 and in the interests of road safety.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
11. To ensure the satisfactory appearance of the development.
12. In the interests of human health and the environment
13. In the interests of human health and the environment