

Parish: Romanby
Ward: Romanby
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Committee Date: 23 June 2016
Officer dealing: Mr Andrew Thompson
Target Date: 22 April 2016

15/02859/OUT

**Outline application for residential development (considering access only with all other matters reserved)
at Former Central Depot Cricket Club, Ainderby Road, Romanby
for Arla Foods UK**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is the former Cricket Ground with a pay and display car park at the front of the site. The site is located to the northeast of Romanby Green and immediately adjacent to the level crossing on Ainderby Road. To the north of the site is the Willow Beck.
- 1.2 The application is for outline planning permission of up to 60 dwellings. All matters of detail, except access, are reserved for subsequent approval. Guidance on matters of detail is provided within this Design and Access Statement to assist in the consideration of design and access issues. The site will deliver the 60 homes with the site being 2.15ha in size with 0.99ha for the retention of the existing allotments, and creation of public open spaces and ecological habitats. The proposed density would be approximately 27 dwellings per hectare.
- 1.3 The application is supported by a design and access statement, noise assessment, geo-environmental assessment and transport assessment.
- 1.4 The design and access statement sets out to demonstrate that the proposals deliver a high quality sustainable development. The applicant indicates that the proposal would deliver a high quality residential development, creating a new, sympathetic extension to the village in the north east and a finished, outward looking edge to the settlement. It is intended that this site will become a positive asset to the settlement in terms of design, layout and open space. It is stated that the development will create a logical boundary to the settlement and provide safe recreational amenity facilities for existing and new residents.
- 1.5 The applicant outlines that the development of the site will result in significant investment and job creation. It will lead to investment, jobs and apprenticeships in the local area through the construction process. Other economic benefits outlined by the applicant are that the proposals would produce funding from the Government's new homes bonus scheme and produce new spending in the local economy from the site's new residents, which could support a number of jobs across various sectors.
- 1.6 In terms of the community benefits the applicant considers that the development of the site will provide a range of open market housing comprising various types to meet the needs of the local community; provide much needed affordable houses of a range and type to meet the identified need in the local area; and provide a large area of public open space for existing and future residents. The applicant highlights that the open space will also enhance the recreation facilities available to the existing residents in the area and will include woodlands, meadows and a new Village Green and assist in the provision of other facilities and infrastructure where there is an identified need, in accordance with development plan policies.
- 1.7 In summary the applicant considers that the masterplan shows that these proposals demonstrates that residential development can be more than 'just another housing

estate' by creating a contextually responsive finished edge to the settlement, which is outward looking, permeable and just as accessible to the existing community as well as new residents.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant to this proposal.

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 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 DP5 - Community facilities
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 DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
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 DP37 - Open space, sport and recreation
Development Policies DP38 - Major recreation
Development Policies DP39 - Recreational links
Development Policies DP42 - Hazardous and environmentally sensitive operations
Development Policies DP43 - Flooding and floodplains
Development Policies DP44 - Very noisy activities
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Romanby Parish Council - Objects on the grounds that the site is a big area of open space outside the Development Limits as set out in the Local Development Plan drawn up in 2011. It includes a car park which is a pay and display car park for people using the station. We're trying to find land for allotments. It would have been ideal to create some green space boundary between the railway lines.
- 4.2 Highway Authority - Response awaited.
- 4.3 Yorkshire Water - The submitted site layout details (on drawing 014-025-P009 (revision B) dated October 2015 that has been prepared by e*SCAPE) are not acceptable to Yorkshire Water as currently shown. It appears that buildings/ pond/ new trees etc. will be located over the line of public sewers and a water main (which are not shown on the drawing) and this could jeopardise Yorkshire Water's ability to maintain our network.

Foul water - From the information available it is not possible to determine if the site is low-lying relative to the location of the public sewer network. If the ground level of a site or the level of any basement is below the ground level of the point of connection to a public sewer, the developer may have to take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having pumped discharges from the site and/or the installation of anti-flooding valves.

Surface water - The local public sewer network does not have capacity to accept any discharge of surface water from the site.

Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to the NPPF. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals. The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

It is understood that a watercourse is located to the northern boundary of the site. Restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

- 4.4 Swale and Ure Drainage Board - no objection to the principle of residential development here or the position of the access however flood risk and surface water drainage need to be very specifically conditioned rather than rely on a statement that all other matters are reserved.
- 4.5 Lead Local Flood Authority (NYCC) – Objects. Attention is drawn to the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that requires planning authorities to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate. Planning authorities must also ensure that through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Whilst this is an outline application and it is proposed that SuDS are used, there has not been enough

information submitted with this application to provide a response on the propriety of surface water management proposals or for it to be determined that the authority can comply with its statutory obligations.

- 4.6 Environment Agency - No objection as long as all built development lies outside of flood zones 2 and 3 (as it appears to do so within the design and access statement), and there is no land raising within these areas.
- 4.7 Scientific Officer (contaminated land) - No objection subject to a condition
- 4.8 Environmental Health Officer - No objection subject to a condition requiring noise from the railway to be mitigated to achieve World Health Organisation standards.
- 4.9 Network Rail - Objects to the proposal due to the proximity of the site to the level crossing on Ainderby Road and insufficient information in the transport assessment to allow a full assessment to take place.
- 4.10 Police Architectural Liaison Officer - A series of recommendations are made in relation to crime and anti-social behaviour.
- 4.11 County Archaeologist - No known archaeological constraints.
- 4.12 A site notice was displayed and neighbouring residents were notified. Two letters have been received. One letter raises a general comment with regard to the allotments and management. The other letter objects to the development on the following grounds:
- The site is a greenfield site and has never been built on;
 - This site could be a useful amenity for Romanby residents, either as an open area (presently used for dog walking); or
 - The site could be used for allotments;
 - Proximity to neighbouring residents of Romanby Green; and
 - Impact of increased traffic onto the road and proximity to other development.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development and the local housing land supply; (ii) the impact of the proposal on the character of the area; (iii) housing mix; (iv) the relationship with neighbouring properties and the railway line; (v) flooding and drainage; (vi) highway impact and parking provision; and (vii) affordable housing.

The Principle of Development

- 5.2 The site lies outside the Development Limits of Northallerton and Romanby, which is defined in Policy CP4 of the Core Strategy as a Service Centre. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would not be in accordance with 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 five years 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 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. The Council is able to demonstrate a deliverable supply well in excess of five years.
- 5.5 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.
- 5.6 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. Where releases of land beyond Development Limits are necessary in future, they should be guided by the plan making process, for which there is a clear programme, and there is no reason to depart from the strategy set out in the LDF in the interim.

Character of the area

- 5.7 The site includes a former cricket pitch and is currently open and used for informal recreation. Whilst the cricket pitch has become overgrown there is no reason why the site could not come back into formal recreational use with appropriate management and maintenance. The overgrown nature of the site is not a reason to grant planning permission contrary to LDF policy DP37, which commits the Council to retaining, protecting and enhancing all types of open space with an existing recreational use and which states, "Development which will result in the loss of public or private land with recreational value will not be permitted, unless it can be shown ... that the site is no longer needed, or is unlikely to be required in the future, or an alternative facility of equivalent value is to be provided." No evidence has been submitted with regard to marketing of the site at a suitable value to attract leisure or community uses or that the level of development is appropriate to deliver a commensurate level of enhanced leisure and outdoor recreational facilities. The proposals play a valuable role to the community and the wider landscape and the physical distinction between Romanby and Northallerton. The site's development as proposed would therefore cause landscape harm to the character of settlement which has a historic and cultural importance.
- 5.8 Notwithstanding the landscape concerns, the Police Architectural Liaison Officer has made a number of comments in relation to the security and design aspects of the proposal, which would require improvement from the submitted masterplan, particularly relating to the parking layout. It has not been demonstrated that the landscape character has been fully assessed and that the level of development is appropriate, given the identified landscape harm, and the development itself would not relate well to the existing building form being separate from Neils Close to the west by open space and with the existing allotments being retained there would be a limited relationship to the existing buildings on Ainderby Road.
- 5.9 Whilst the details are illustrative at this stage, the proposal also limits open space to the edges of the site (i.e. areas where constraints limit development) to along the railway and next to the Willow Beck. Whilst the existing allotments would be retained, the intended design strategy does not include areas of green space that would form a

positive aspect, with no areas for formal play at the centre of the development. Opportunities to capitalise on the design influence of the existing Romanby Green have not been taken and the proposed open space is a peripheral feature to the development, lacking opportunities for natural surveillance or meaningful recreational value. The Parish Council's aspiration for additional allotments is noted but that is a matter for the new Local Plan to consider and is not a reason to refuse permission now.

Housing mix

- 5.10 The applicant indicates in the design and access statement that the proposal will provide a mix of 2, 3, 4 and 5 bedroom homes but does not detail this further. Based on housing needs the Council's policy requirement is a mix comprising 10% one bedroom dwellings, 35% two bedroom, 25% three bedroom, 10-15% four bedroom (or above) and 10% two bedroom bungalows.

The relationship with neighbouring properties and the railway line

- 5.11 As stated, the application is in outline with layout, scale and external appearance all matters that could be considered at a later stage. The impact of the proposal in relation to the railway has been carefully considered and appropriate mitigation would need to form part of the details considered in any reserved matter submission. Whether this is achievable through the existing masterplan whilst also achieving a high quality design is questionable as this may require non-habitable accommodation on the front elevation or that properties are set further away from the railway line.

Flooding and Drainage

- 5.12 The comments of the Environment Agency, Yorkshire Water, the Lead Local Flood Authority (LLFA) and the Swale and Ure Drainage Board have all been noted. The development would need to exclude areas to the north of the site from built development to ensure that housing does not encroach into Flood Zones 2 and 3.
- 5.13 Yorkshire Water highlights that there is no capacity in the existing public sewerage system. If the ground level of a site or the level of any basement is below the ground level of the point of connection to a public sewer, the developer may have to take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having pumped discharges from the site and/or the installation of anti-flooding valves. Raising the site levels may cause concern to the Environment Agency.
- 5.14 The LLFA indicates that there has not been enough information submitted with this application to provide a response on the propriety of surface water management proposals or for it to be determined that the authority can comply with its statutory obligations. The application should therefore be refused on these grounds.

Highway Impact and Parking Provision

- 5.15 The comments of Network Rail are noted with regard to the proximity of the proposed access to the level crossing and the adequacy of the Transport Assessment has been carefully considered.
- 5.16 The proposal would be able to provide an adequate level of parking provision as required by policy.
- 5.17 Whilst the proximity to shops and services should also be noted, the position and intensification of the access has not been demonstrated as acceptable in terms of

highway and railway safety, considering Network Rail's concerns regarding the level crossing.

Affordable Housing

- 5.18 The applicant has not submitted a detailed affordable housing offer but does make a general commitment to affordable housing and infrastructure within their design and access statement. A 40% provision should be sought towards affordable housing in order to conform with LDF housing policy.
- 5.19 Whilst no evidence is presented to indicate that affordable housing would not be delivered at an appropriate level or mix, the lack of detail and formal commitment from the applicant is a concern.

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 result in the loss of green space without a suitable enhanced replacement. The proposal would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP3, CP4, CP6, CP19, DP1, DP5, DP6, DP8, DP9, DP10, DP30, DP31, and DP37 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system and sustainable development.
 2. The application should demonstrate, potentially as part of the Flood Risk Assessment, how the flooding and drainage infrastructure have been considered. The submitted application does not provide a suitable or robust basis for assessment to be made of the flood risks arising from the proposed development. In addition there is no recognition or mitigation that has been taken forward as part of a robust assessment. The proposal is therefore contrary to Policies CP1, CP3, CP17, CP21, DP1, DP6, DP32, DP33, and DP43 of Hambleton Local Development Framework and guidance contained in National Planning Policy Framework and North Yorkshire County Council SuDS Design Guidance.
 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.
 4. Due to the proximity of the site to the level crossing on Ainderby Road and insufficient information in the transport assessment to allow a full assessment to take place the proposal has not demonstrated that the proposed access would not result in harm to highway and railway safety. The proposal is therefore contrary to policies CP1, CP2, CP3, DP1, DP4 and DP6 of Hambleton Local Development Framework.