

Parish: Dalton
Ward: Sowerby & Topcliffe
3

Committee Date: 21 July 2016
Officer dealing: Mr Andrew Thompson
Target Date: 8 June 2016
Extension agreed until:

16/00511/FUL

Proposed construction of 27 dwellings, with associated garaging, car parking and landscaping to exiting road layout at Willow Bridge Lane, Dalton for Whitfield Homes Limited

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks full planning permission for 27 houses on part of a site that had previously been granted approval for 36 dwellings. 16 houses of the original development are not included in this application with these either under construction, complete but unoccupied or occupied. The proposal would increase the number of houses on the wider site from 36 to 43.
- 1.2 The submitted proposal comprises a mix of dwellings: 10 two bedroom houses; 3 three bedroom houses; 13 four bedroom houses and 1 five bedroom house. This compares to the previous approved building mix of: 4 one bedroom flats; 3 two bedroom houses; 6 four bedroom houses; and 7 five bedroom houses
- 1.3 Building heights are all two-storey to fit within the local context. The vehicular access is proposed off Willow Bridge Lane, the road leading from Dalton north to Sowerby and has been constructed.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/01428/FUL - 31 dwellings, public open space, access and landscaping; Granted 21 December 2010. This is the site to the south of the current application and the development is complete.
- 2.2 12/01346/OUT - Outline application for 36 dwellings including means of access; Refused 28 November 2012. Appeal allowed 4 July 2013.
- 2.3 13/02560/REM - Reserved matters application for the construction of 36 dwellings including means of access; Granted 20 February 2014.
- 2.4 15/01317/MRC - Variation of Condition(s) of planning approval 13/02560/REM - Re-configuration of C house type to include the construction of an extension; this scheme relates to dwellings outside the site of application 16/00511/FUL and approval would require a variation to the Section 106 agreement and is pending consideration.
- 2.5 16/01018/S106 - Variation of Section 106 agreement associated with application 12/01346/OUT (reduced affordable housing contribution) the determination of the application 16/01018/S106 is closely associated with the viability appraisal being undertaken in respect of the application 16/00511/FUL pending consideration.

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 CP10 - The scale and distribution of new employment development
 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 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 DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
 Supplementary Planning Document - Open Space, Sport and Recreation -adopted 22 February 2011
 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

4.0 CONSULTATIONS

- 4.1 Parish Council - The original planning granted for this site was for a total of 36 houses. This new proposal increases that figure to 43. With the actual number of proposed properties increasing, will there be more affordable housing on the site and does the Section 106 contribution increase? We feel that there is insufficient information in the application for us to be able to give our decision and therefore request a delay pending more information being made available to us on the points raised.
- 4.2 Highway Authority - previously approved the highway layout and construction as part of the earlier application reference 13/02560/REM. This proposal retains that same highway layout.
- 4.3 Scientific Officer (contaminated land) - No objection subject to conditions - the developer will need to submit a Remediation Strategy detailing how the contamination will be remediated and then a final Verification Report once remediation has been completed.
- 4.4 Environmental Health Officer - No objection

- 4.5 Swale and Ure Drainage Board - The drainage strategy is acceptable.
- 4.6 Yorkshire Water - No objection or conditions requested
- 4.7 Ministry of Defence - No safeguarding objections.
- 4.8 NYCC Education - based on the new mix a contribution of £91,773.00 would be sought.
- 4.9 Rural Housing Enabler - Proposals meet the national space standards.
- 4.10 Public comment - 2 letters of objection have been received which can be summarised as:
- Lack of facilities in the village;
 - No need for houses;
 - Traffic impact;
 - Pedestrian safety; and
 - HGVs moving through the village.

5.0 OBSERVATIONS

- 5.1 The principle of residential development has been established by previous planning permissions and this has been implemented on the application site and remains extant through the ongoing building work. Whilst the comments of residents have been noted there is no change in circumstances that would allow the principle of residential development to be reviewed.
- 5.2 The key issues are therefore (i) the impact of the increase in numbers on the character of the area; (ii) the impact on highways; and (iii) the mix of size and types of dwellings together with the delivery of affordable housing; and (iv) planning contributions.

Character of the Area

- 5.3 The proposed changes maintain a similar built form and character; this is achieved by subdividing larger properties into semi-detached properties and by substituting the 4 one-bedroom flats as 2 two bedroom houses. The submitted proposals include a wide range of detail including the proposed bricks, roof tiles and boundary treatments.
- 5.4 Taking account of the previously approved scheme and the proposed amendments, the proposal would continue the form and character of the previously approved scheme, there is no reason to find the alternative details unacceptable.

Highways

- 5.5 The proposed scheme maintains the previously approved highway layout, with the position of the access unaltered. Additional properties are created through subdivision of larger properties. The comments of the Highway Authority are noted and notwithstanding the concerns of local residents, the proposal would not generate a level of additional movements that would substantiate a reason for refusal.

Mix of size and types of dwellings and delivery of Affordable Housing

- 5.6 All of the proposed houses achieve or exceed the Nationally Described Space Standards for new dwellings. The mix of dwelling sizes does not reflect the target size given in the “Size type and tenure of new homes SPD”, the number of 2 bed dwellings proposed is broadly in line with the SPD, the proportion of 3 bed dwellings is below the target and the 4 bed units are substantially greater than the target. The mix is improved from the previously approved scheme as the number of 5 bed dwellings has been reduced and the number of 2 bed dwellings has increased.

Dwelling size (bedrooms)	Proposed %	Target %
1	0	10
2	37	35
3	11	25
4	48	10-15
5	4	-

- 5.7 16 of the original development are not included in this application proposal because they are either complete, occupied or under construction. Seven of those houses have already been transferred as Affordable Housing units to Chevin Housing Association under the terms of a planning obligation.
- 5.8 The applicant is seeking to be released from the normal 40% policy requirement of on-site affordable housing as they have calculated that the scheme is unviable if affordable housing is provided. The Council have appointed Kier to review the evidence and provide advice on the development finance. An update will be given to the Committee meeting on the matter of viability.

Planning contributions

- 5.9 The development is liable under the Community Infrastructure Levy (CIL). This equates to £174,491.34 and CIL documentation has been received accordingly. Whilst the Education Authority seeks a specific contribution of £91,773.00 based on the housing mix, allocation of funds is made through CIL.
- 5.10 The applicant has also applied under S106B to remove the £23,000 for affordable housing under planning reference 16/01018/S106; this contribution was to make up a shortfall in on site provision of affordable housing and is due on occupation of the 18th market house. The variation of the S106 Agreement is not for determination in this application.
- 5.11 The S106 Agreement accompanying the previous permission also secured £140,338 towards open space and £54,384 towards education. A Deed of Variation can be entered into to secure the appropriate sums. Depending upon the viability assessment the trigger for payment and the value of commuted sums can be varied in the Deed of Variation to secure the contributions.
- 5.12 It is therefore recommended that planning permission be granted subject to the outcome of the viability exercise.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents submitted to the Local Planning Authority on 2 March 2016 reference: Y81:897.01 Rev A, Y81:897.300, Y81:897.301, Y81:897.302, Y81:897.303, Y81:897.304, Y81:897.305, Y81:897.306, Y81:897.307, Y81:897.308, Y81:897.309, Y81:897.310, Y81:897.311, Y81:897.312, Y81:897.313, Y81:897.314, Y81:897.315, Y81:897.316, Y81:897.317, Y81:897.318, Y81:897.319, Y81:897.320, Y81:897.321, Y81:897.322, Y81:897.323, and Y81:897.186 Rev H.
3. The boundary treatment shall be implemented in accordance with the details submitted on the approved plans and thereafter retained in accordance with the approved details.
4. No development shall be commenced until a scheme for the remediation of contamination, including ground gas protection measures, has been submitted and approved by the local planning authority. 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.
5. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA 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 LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA 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.
6. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
7. 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.
8. 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.

9. 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: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (ii) 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.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission and to ensure that the development is in keeping with the character of the area.
3. To ensure that the proposals are in keeping with the character of the area and ensure an adequate level of amenity for future occupiers of the development.
4. In the interests of human health and the environment.
5. In the interests of human health and the environment.
6. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
7. In the interests of highway safety
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In the interests of highway safety.