

Parish: Easingwold

Ward: Easingwold

7

Committee Date: 26 May 2016

Officer dealing: Mr Andrew Thompson

Target Date: 18 April 2016

Extension agreed until:

16/00411/OUT

**Outline application with all matters reserved for the construction of 3 bungalows and associated garages
at land to rear of The Shieling, York Road, Easingwold
for Ambleside Homes**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site lies to the rear of The Shieling, York Road, Easingwold with South Villa located to the north and the new development by Redrow Homes to the south and east (formed by Longbridge Drive and Oxmoor Place). The site is open grassland and relatively flat. It is within the Development Limits of Easingwold and part of the site (approximately 50% including the proposed access and some of the garden area) is located within Allocation EM1.
- 1.2 The application proposes three bungalows and associated garages and parking areas on the site. The illustrative plan shows site access from York Road to the north of The Shieling with three detached bungalows on the south boundary of the site. The proposal has been reduced from four bungalows during the course of the application.
- 1.3 The application is in outline with all matters reserved, although access is only feasible from York Road as described.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

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 CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP9A - Affordable housing exceptions
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 DP10 - Form and character of settlements
Development Policies DP11 - Phasing of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP32 - General design
Development Policies DP33 - Landscaping

Development Policies DP43 - Flooding and floodplains
Allocations Document Policy EM1 - Mixed Use Stillington Road/York Road,
Easingwold - adopted 21 December 2010
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
Supplementary Planning Document - Size, type and tenure of new homes - adopted
September 2015
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance

4.0 CONSULTATIONS

4.1 Town Council – Wished to see the original four dwelling scheme approved in principle, subject to the following conditions:

- Drainage and sewerage concerns are addressed adequately with a drainage engineer being commissioned; and
- Concerns over the tight plot for bungalow 4 are addressed.

Comments on the revised scheme, reducing the number of units from four to three, are awaited.

4.2 Highway Authority - No objection subject to conditions.

4.3 Yorkshire Water - No objection. Company records indicate an existing 3" cast iron water main (with a valve and fire hydrant) crosses part of the red line site boundary. Although the water main will not be affected by the proposed building layout, we understand that there will be modifications to the existing access road that serves the current site, and these alterations may impact on the water main.

4.4 Ministry of Defence - No safeguarding objections.

4.5 Rural Housing Officer - As this site lies part in and part out the allocation site a level of affordable housing would be sought.

4.6 Public comment - 20 letters of objection have been received (one objector has written eight times and there are other objectors who have written more than once) and a letter of support were received in respect of the original plan for four bungalows on the site. No comments have been received in respect of the three-bungalow amendment. The comments are:

- The proposal would set a precedent for further development of back gardens;
- It would continue the impact of noise, dust, grit and past pile-driving arising from houses being built in the area;
- Plot 4 bungalow is an overdevelopment;
- Concern of the proximity of plot 4 bungalow to boundaries;
- Plot 4 bungalow in particular would reduce privacy and light;
- Concern about damage to property during construction of plot 4;
- A strip of land should not become a dumping ground for waste materials, it should be used as garden land only;
- The area is not currently used for fly tipping as claimed;
- Access to the development is unsafe and roads are busy, leading to an adverse impact on highway safety;
- Sewer and flooding problems in the area;
- There should be clarification as to who owns the land; and
- An old apple tree that housed a group of bats, where the proposed bungalows will be built, has been cut down as well as a lot of the shrubbery cleared.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location; (ii) the impact on the character and appearance of the Area; (iii) the impact on neighbour amenity; (iv) the impact on highway safety; (v) drainage and (vi) Affordable Housing.

Principle of development

- 5.2 The application site is located within the Development Limits of Easingwold adjacent to other developments. The access is outside the allocated land, the dwellings are shown to be within the allocated land. To develop housing on the site both allocated and unallocated land are required. All but a small part of one of the dwellings shown on the illustrative plan would be located within allocation site EM1, which covers a larger area, whilst the access to the application site would be outside of site EM1. The principle of development on the site is not in dispute, having been established by the allocation and the inclusion of the remainder of the site within Development Limits. Whilst concerns over establishing a precedent for further development in the area are noted, the policy position allows for appropriate housing development and each case must be considered on its merits.

The Character and Appearance of the area

- 5.3 The proposal has been reduced during the course of the application from four to three dwellings. This has removed plot 4, which raised the most concern to neighbours. The proposal, based on the illustrative drawing, is now considered to be well spaced.
- 5.4 It is noted that one objector highlights that an apple tree was removed prior to the submission of the application. As the tree was not subject to a Tree Preservation Order and not within a Conservation Area, no permission was required for felling and the Council has no evidence that a bat roost protected by the Wildlife and Countryside Act was disturbed. However, as any such disturbance would have been in connection with activity that was not subject to planning control, it is not an issue for the Local Planning Authority to consider and has no bearing on this application.
- 5.5 The amended proposal shows a development that would be in keeping with the character of the area.

Neighbour amenity

- 5.6 The amended details have improved the proposed relationship with the neighbouring properties and indicate that there would be a satisfactory level of amenity both for neighbours and future occupiers of the development. Concerns are raised by residents with regard to the impact on neighbouring properties, in particular from the previously proposed plot 4. The proposal as amended would now allow for a satisfactory relationship to be formed with neighbouring dwellings; however the details of this can be tested further in a reserved matters submission.
- 5.7 The proposal is considered acceptable under the terms of LDF Policies CP17 and DP32.

Highway safety

- 5.8 The comments of residents relating to highway safety are noted. The Highway Authority is satisfied that safe access can be achieved. The indicative layout shows

both parking and garage provision and adequate space for turning and manoeuvring within the site. As such, there are no sustainable highway safety grounds for resisting the proposal.

Drainage and Flooding

- 5.9 Yorkshire Water's advice that the water main crossing the site will need to be assessed is noted. Adequate drainage detail to ensure that the comments of Yorkshire Water are satisfied can be dealt with by condition and modifications can be adequately considered. The concerns regarding the general flooding situation in the area are noted. However, conditions can be imposed to require a scheme for drainage of the site and there is no evidence to justify a refusal of planning permission on the basis of flood risk.

Affordable Housing

- 5.10 The applicant offers no affordable housing, justifying their approach as follows:

“The site is hampered by its inclusion within Allocation Site EM1, which requires 50% affordable housing. The planning system shouldn't hinder the delivery of allocation sites by applying more stringent criteria than off-plan sites (Clayhithe Mews and Howlett Close, off York Road - both developed with 0% affordable housing). A quirk of circumstances has created a small allocation site for 3 or 4 dwellings (the application site). The applicant suggests this is highly unusual and highly unlikely to be repeated elsewhere.

The allocation site boundary is somewhat ambiguous. The LDF and various iterations of the SHLAA all show different boundaries. This ambiguity created uncertainty for the developer to plan ahead and deliver a successful scheme. The amended scheme has also affected viability and has removed a plot that is clearly defined on all plans, as being outside of the Development Limits.

The pressing need for bungalows outlined within the recently published 'Size, Type and Tenure of New Homes' SPD is acknowledged and the application site represents a unique opportunity to deliver 3 open market bungalows in a location with high demand for such accommodation. The provision of bungalows is considered to off-set any aspirations for affordable units.”

- 5.11 The applicant also contends that in the submissions for allocating the site, put forward by Redrow, the developer was not in control of the application site at any point. The applicant was approached by Redrow but no agreement was in place. The applicant therefore considers that the site should not have been brought into the allocation as the application site was not available (i.e. the boundary of the allocation should have reflected the original SHLAA).
- 5.12 Clayhithe Mews and Howlett Close identified by the applicant are outside the allocated site EM1 and therefore were considered independent of the allocation's expectations for affordable housing, under which all developments of 14 or fewer houses within Service Centres do not need to include any affordable housing. The applicant argues that the same applies to the portion (at approximately 50% and includes the access to the site) of this application site that is beyond site EM1.
- 5.13 It is noted that the site could not be delivered through the allocation alone and requires other land to achieve an access. The access and amenity space to plot 3 are outside of the allocation. Both are critical areas, the access to the site is the only remaining access point and the amenity area is needed in terms of ensuring a satisfactory layout, amenity space and relationship to the character of the area. As

such the site could not be delivered without land outside the allocation. However, it is equally true that the unallocated land is in two narrow strips, neither of which is capable of accommodating a dwelling. Therefore a housing development is only possible if land allocated for that purpose under policy EM1 is included.

- 5.14 The Court of Appeal has on 11 May 2016 upheld the Government's challenge to the High Court's Judgement which resulted in the removal of the Written Ministerial Statement on affordable housing thresholds. This aspect of Government policy is clear in that it seeks to support small housebuilders and reduce the financial impact of local policy requirements for affordable housing and tariff-style contributions secured by planning obligations.
- 5.15 Judgement needs to be made in this instance having regard to the way the site includes allocated and unallocated housing land. The subdivision of site EM1 does not mean that any part is exempted from the policy requirement to deliver affordable housing. As the site is split between allocated and unallocated (approximately 68% of the site is allocated) it is considered that a financial contribution equating to approximately 32% of 3 dwellings (i.e. 0.89 of a 2 bedroom dwelling or £58,028) should be sought if viable.
- 5.16 A viability assessment has been submitted to the Council demonstrating that the development cannot support financial contributions towards affordable housing. The assessment is being reviewed for the Council and the response will be reported to the Committee meeting.
- 5.17 Taking into account all of the above, leads on balancing the issues to a recommendation that setting aside an affordable housing contribution is appropriate in this instance.

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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three 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, including a schedule of external materials to be used; (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 (including the number) of buildings overall.
 3. The Reserved Matters shall be brought forward in a manner that reflects the details submitted on drawing 1586/11 Rev A which shows three detached single storey dwellings and associated garaging.
 4. As part of the Reserved Matters submission, details of boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

5. 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; and (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.
6. 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.
7. 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; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring 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.
8. 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.
9. As part of the Reserved Matters submission details of foul and surface water drainage shall be submitted to and agreed in writing. The submitted details shall also indicate how the existing 3" cast iron water main (with a valve & fire hydrant) will be affected by the access road that serves the current site. The approved details shall be implemented in accordance with the approved details prior to first occupation of the development.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
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 define the permission and to ensure that the development is brought forward within the parameters and details of the outline planning permission.

4. To ensure satisfactory development of the site and to safeguard the amenities of neighbours.
5. In accordance with Policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
6. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
8. In accordance with Policy and in the interests of highway safety.
9. To ensure satisfactory drainage from the site and having regard to existing drainage infrastructure.