

**Parish: Dalton**  
Ward: Sowerby & Topcliffe  
**6**

Committee Date: 15 September 2016  
Officer dealing: Mr Andrew Thompson  
Target Date: 8 June 2016  
Extension agreed until: 16 September 2016

**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 of previous planning permissions. 16 houses of the original development are not included in this application as they are either complete, occupied or under construction. 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: ten two-bedroom houses; three three-bedroom houses; 13 four-bedroom houses and a five-bedroom house. This compares to the previous approved building mix of: four one-bedroom flats; three two-bedroom houses; six four-bedroom houses; and seven 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 towards the A19 and has been constructed.
- 1.4 The change in viability reflects the change in house types and a reduced level of revenue due to the lack of demand for higher level of executive housing, the impact of the mortgage standards review to housing over £450,000 and most significantly the contamination and abnormal costs being higher than previously anticipated with these now either complete or tendered for with significant levels of concrete removal also taking place. The applicant has been seeking to address these matters since the Deed of Variation was agreed in August 2015 and assess all options during construction but with limited interest in larger properties a change of house types was necessary and therefore the viability assessment has been submitted with the current application.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 10/01428/FUL - 31 dwellings, public open space, access and landscaping; Granted 21 December 2010.
- 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 subject to a S106 Agreement securing (a) 14 affordable units (38.88% of the total) and £23,000 toward affordable housing in the Thirsk area; (b) £53,384 towards education provision; and (c) £140,335 toward off-site open space sport and recreation provision.
- 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; Granted 5 August 2016. The grant of permission was followed by a Deed of Variation to the

planning obligation associated with 12/01346/OUT to reflect changes in the specification, but not re amount, of affordable housing within the development.

- 2.5 None of the above included any indication that viability was in question.
- 2.6 16/01018/S106 - Variation of Section 106 agreement associated with Application 12/01346/OUT (reduced affordable housing contribution); 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 – The proposal meets the national space standards and notes an open book assessment has been submitted.
- 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 delivery of affordable housing and education contributions.

### Character of the Area

- 5.3 The proposed changes maintain a similar built form and character, subdividing larger properties into semi-detached properties and the 4 one-bedroom flats being re-worked as 2 two bedroom houses. The proposal includes 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 increase the number of smaller properties in the housing mix,

which would be more in accordance with policy aims to match new housing to local need.

### Highways

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

### Affordable housing and infrastructure contributions

- 5.6 16 houses 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 to Chevin Housing Association as affordable units under the terms of a planning obligation.
- 5.7 The applicant wishes to be released from the normal policy requirement to provide further on-site affordable housing, meaning that the amount of affordable housing would fall to 16% overall (7 of 43) compared with a policy expectation of 40%. The applicant has submitted a viability assessment to support this assessment and it has been reviewed independently. Following detailed discussion and assessment the report concludes that having regard to the abnormal construction costs further levels of affordable housing cannot be achieved.
- 5.8 The Council's Viability Assessor highlights that it is clear that the applicant has identified higher abnormal costs which would appear to be in line with expectations given the previous usage of the site. A 40% affordable provision cannot be realised from the site. In line with sites elsewhere in the District such as Fox Covert Close and Wilbert's Farm, both in Aiskew near Bedale, agreed construction costs and abnormal costs at generally similar levels give rise to lower affordable housing provisions
- 5.9 Whilst the Education Authority seeks a specific contribution of £91,773.00 based on the housing mix, that does not need to be considered at the application stage but through the future allocation of funds collected through the Community Infrastructure Levy (CIL).
- 5.10 The viability assessment indicates that the applicant cannot provide 40% affordable housing and make the normal CIL contributions without the development becoming unviable. Their application seeks to prioritise infrastructure provision over affordable housing but the decision on the appropriate balance of benefits must rest with the Local Planning Authority. As submitted, the scheme would contribute £174,792 to CIL but no more affordable housing than what has already been delivered, but it would be possible to secure a contribution towards affordable housing by means of a planning obligation, which would then allow the CIL contribution to be reduced through the application of CIL Relief. The following table sets out a range of options with the same financial viability:

Affordable housing %	CIL contribution
16% (as proposed)	£174,792
20% (2 additional 4-bedroom dwellings)	£6,392

30%	-£330,408
40% (as current S106, policy compliant)	-£751,408

- 5.11 The delivery of higher levels of affordable housing would eliminate all CIL contributions with 30% and 40% exceeding the level of the CIL contribution and would therefore be unviable. It would not be possible to deliver further affordable housing on-site without affecting viability and therefore an off-site contribution should be assessed. A wide infrastructure delivery would arise from the CIL contribution, for example towards parish projects (15% of the contribution), open space improvement, education and contributions to strategic projects such as North Northallerton and it is also noted that significant levels of affordable housing has already been delivered in Dalton through other developments in recent times (in particular the neighbouring development and Harriers Croft developments).
- 5.12 Having weighed all matters and the delivery of affordable housing that has already occurred in Dalton, it is therefore recommended that the level of Affordable Housing remains as built at 7 dwellings (16%) and the level of CIL as outlined at £174,792 would deliver the most benefit to the local community in this instance.

## 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 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.

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.

#### Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste  
1 x 240 litre green wheeled bin for garden waste  
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and  
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk) or by telephoning 01609 779977.