

Parish: Pickhill with Roxby

Ward: Tanfield

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Committee date: 22 June 2017

Officer dealing: Mrs H Laws

Target date: 27 June 2017

17/00962/MRC

Removal of condition 9 (requirement for affordable housing provision) attached to 15/00905/OUT (Outline Planning Permission for the construction of 8 dwellings)

At: Chapel Farm, Pickhill

For: Mr Barningham

1.0 SITE, CONTEXT AND PROPOSAL

1.1 Outline planning permission was granted in December 2015 for the construction of eight dwellings on this site including (as required by LDF Policy CP9) the provision of affordable housing. The current application requests the removal of condition 9 of the outline permission, which secured that provision.

1.2 The application seeks to remove the requirement to include affordable housing within the development in line with the November 2014 Ministerial Written Statement "Small-scale developers". When permission was granted in December 2015, the Ministerial Statement had been ruled unlawful by the High Court and it was therefore not taken into consideration in the Council's decision. However, the Court of Appeal has since reversed that ruling and the Ministerial Statement is therefore a material planning consideration.

1.3 The site lies within the village of Pickhill to the rear (west) of the terrace of dwellings at Hillcrest covering an area of 0.5 hectares. To the north, the site abuts dwellings that front onto the main village street and also three of the dwellings on Melltown's Green; to the south the application site abuts the dwelling at Honley House; to the west lies agricultural land. A mature belt of trees lies outside but along the western and southern boundaries of the site.

1.4 The site is L-shaped with a small width of frontage onto the main village street. The existing vacant Methodist Chapel, which fronts onto the street, is included within the application site. The application includes detailed proposals for this building including a proposed change of use to a two-storey, four-bedroom dwelling with a rear extension. A separate planning application for this specific scheme has been submitted and granted permission last year.

1.5 The application site to the rear of the Chapel is currently occupied by poultry sheds, which are now vacant and falling into disrepair. It is proposed to remove all of the poultry sheds, create an access road from the village street, adjacent to the Chapel and construct nine dwellings. The application is for outline permission with all matters reserved except for the proposed access. An illustrative layout has been submitted proposing a cul de sac form of development of detached and semi-detached dwellings that would generally lie parallel to Hillcrest.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 15/01028/FUL - Conversion and extension of former chapel to a dwellinghouse; Granted 13 August 2015.

2.2 15/00905/OUT - Outline planning permission for the construction of eight dwellings (including access): Granted 18 December 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP9 - Affordable Housing
Development Policies DP15 - Promoting and maintaining affordable housing
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Affordable Housing Supplementary Planning Document
Ministerial Written Statement "Small-scale developers"

4.0 CONSULTATIONS

4.1 Parish Council – No comments received.

4.2 North Yorkshire Police Architectural Liaison Officer – No comments.

4.3 Public comments - None received.

5.0 OBSERVATIONS

5.1 Matters pertaining to the principle of development and impacts on the character and form of the village, neighbour amenity, trees and highway safety were dealt with in the earlier approval (15/00905/OUT). There are no proposed changes to the content of the application in respect of those issues and it is considered that there are no significant changes to the policy position relating to them, assessed in the attached extract from the previous report at Appendix 1. The main issue to consider now is affordable housing provision.

Affordable housing

5.2 The application is for the removal of condition 9 so that the development would no longer include the provision of affordable housing. LDF Policy CP9 requires development in locations such as this, of two or more dwellings to provide a 40% proportion of affordable homes. The November 2014 Ministerial Statement removed this requirement by seeking to exclude developments of ten or fewer dwellings from the requirement to include any affordable housing but allows Councils to adjust the threshold in designated rural areas to seek cash contributions towards affordable housing for sites of 6 to 10 dwellings. This Council has adopted the lower threshold in designated rural areas, which includes the parish of Pickhill with Roxby, and it therefore would apply in this case. A financial contribution equating to 40% on-site provision would be required for the dwellings over the threshold of five (requiring a contribution equivalent to 1.2 affordable dwellings). This provision is offset by applying the vacant buildings credit introduced by the Ministerial Statement to any floor space converted or demolished to make way for development. The buildings are not currently in use and therefore the credit can be applied.

5.3 The development plan remains the starting point for considering this matter and a 40% affordable housing contribution through direct provision on the site is usually required by LDF Policy CP9 for developments of two or more dwellings outside Service Centres. However, the Ministerial Statement is a significant, and more recent, material consideration and the Council has consistently applied its provisions since the Court of Appeal ruling.

5.4 The vacant buildings amount to 1,393 sqm of floor space; the proposed floor space to be created would be in the region of 1,130 sqm (layout and scale are not matters included at this stage but an illustrative layout has been provided). The total floor

space of the new buildings would be smaller than the floor space of the existing buildings to be replaced and therefore the provisions of the vacant buildings credit override the requirement for an affordable housing contribution in this case. However, in order to ensure this, a condition imposing an upper floor limit of 1,393 sqm is recommended.

- 5.5 The removal of affordable housing from the scheme is regrettable but fully in line with national policy and therefore is accepted.
- 5.6 The recommendation set out below effectively copies over the original conditions of the approval, omitting the condition relating to affordable housing and adding one setting an upper floor limit to match the floor space to which the vacant buildings credit applies.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from 15 December 2015 (before 15 December 2018) and all of the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from 15 December 2015 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 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 buildings and spaces including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
 6. No development shall take place above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.

7. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
8. No development shall take place until a tree report has been submitted to the Local Planning Authority to assess the impact of the proposed development on the trees that lie along the western and southern boundaries of the application site. Thereafter any recommended works, approved by the Local Planning Authority, shall be undertaken in accordance with the approved details.
9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
11. 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.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access 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 access shall have been approved in writing by the Local Planning Authority; (d) The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6 var.; (e) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; (f) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; and (i) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
13. 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 22 metres measured along both channel lines of the major road Hill Crest from a point measured 2 metres down the centre line of the access road. 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.
14. Unless otherwise approved in writing by the Local Planning Authority, 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 buildings 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) tactile paving; (b) vehicular, cycle, and pedestrian accesses; (c) vehicular and cycle parking;

- (d) vehicular turning arrangements; (e) manoeuvring arrangements; and (f) loading and unloading arrangements.
15. No dwelling shall be occupied until the related parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 16. 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 in writing to their withdrawal.
 17. 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.
 18. Unless otherwise approved 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 details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
 19. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan GA/00 received by Hambleton District Council on 28 April 2015 unless otherwise approved in writing by the Local Planning Authority.
 20. The total residential floor space hereby permitted shall not exceed 1,393 sqm.

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 commences.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.

5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To protect the amenity of occupiers and neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. The trees are of some local amenity value and worthy of protection in the context of new development in accordance with LDF Policies CP16 and DP30.
9. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
10. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.
11. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
12. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
13. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
14. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
15. In accordance with Policy CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
16. In accordance with LDF Policies CP2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
17. In accordance with LDF Policies CP2 and DP4 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.
18. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.
19. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.
20. A residential floor space in excess of the vacant buildings credit applicable to the development would generate a need for an affordable housing contribution in line with Development Plan policies.

Informatives

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 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 Hambleton District Council - Waste and Streetscene.

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 or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

APPENDIX 1

Section of Planning Committee Report for Application Reference: **15/00905/OUT**

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of new dwellings in this location outside Development Limits, an assessment of the likely impact of the proposed dwellings on the character and appearance of the village, the provision of affordable housing, the impact on neighbour amenity, the impact on trees, highway safety and developer contributions.
- 5.2 The site falls outside of Development Limits of Pickhill, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted outside of 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 be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 55 of the NPPF states:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.

- 5.6 In the 2014 settlement hierarchy contained within the IPG, Pickhill is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the centre of Pickhill, which has facilities including a school, church and pub. Criterion 1 would be satisfied.
- 5.7 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant LDF Policies. The proposal for a total of 8 new dwellings is larger than the normal maximum of 5 dwellings noted within the IPG. The guide goes on to state that "each development must be considered on its own merits taking into account the scale and unique character and appearance of the settlement" and therefore allows for larger developments if they reflect the existing built form and character of the village.
- 5.8 Pickhill is traditionally characterised by linear development; the development of the large cul de sac of Melltown Green is not in the traditional character of the village and not the type of development envisaged by the IPG, which aims for more organic and incremental growth.
- 5.9 The proposed layout shows a cul de sac development of 8 dwellings, both detached and semi-detached, positioned along one side of the proposed street that extends beyond the Chapel. This would be a less traditional form of development for the village of Pickhill and would not be an example of 'organic growth'. However, the illustrative layout is not for approval and alternatives may be possible such as a development that would reflect the current agricultural use of the site (for example a converted farmstead in appearance) rather than a suburban style of development. It is therefore considered that the proposed number of dwellings could be achieved in a different form, although this could entail smaller dwellings.
- 5.10 Supporting information submitted with the application considers that to artificially limit the number of dwellings on the site would adversely impact on existing services within the village including the school and the pub. Whilst it is accepted that a larger development would provide greater support for local services, the same support could be provided by a number of smaller developments and therefore the argument should not advance the case for an inappropriate scale or form of development.
- 5.11 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be on the site of the disused poultry farm, which is falling into disrepair and is unsightly. Albeit an agricultural use, the site has more in common with the village than with the rural landscape beyond. The following detailed advice within the IPG is considered to be relevant:
- "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."
- "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.12 As such, and noting that the proposed number of dwellings could be achieved in a number of ways, it is considered that the development proposed, and the limited loss of openness, can be designed at the reserved matters stage to appropriately respect

the general built form of the village. There is no identified harmful impact to the built or historic environment.

- 5.13 The site is still partly in use as a poultry farm and several of the comments received by local residents is in respect of the noise and smells resulting from the operation. The buildings are in close proximity (approximately 20m) of the neighbouring dwellings, and although there are no current complaints with the Council's Environmental Health section, there have been in the past. The use is felt to be inappropriate adjacent to a residential area.
- 5.14 LDF Policy CP9 requires development in locations such as this of 2 or more houses to provide a 40% proportion of affordable homes. The applicant has agreed to this requirement and an appropriate condition is recommended.
- 5.15 The indicative layout illustrates a single access road through the site with dwellings to one side, forming an L-shape. There would be adequate distance between the existing and proposed dwellings for there to be no loss of amenity as a result of overlooking or overshadowing, so although the layout is indicative and would not be formally approved, it suggests that a layout to protect residential amenity could be achieved.
- 5.16 A mature belt of trees lies along two sides of the application site. The indicative scheme shows that there is adequate space within the site for development to take place beyond the canopy. It is recommended that a condition be imposed requiring the submission of a tree survey with the reserved matters submission to ensure there would be no adverse impact on the health and stability of the trees.
- 5.17 The access is the only matter for consideration at this stage. The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.
- 5.18 Under the Community Infrastructure Levy (CIL) regulations the proposed dwellings are liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015. The sum payable can only be calculated at the reserved matters stage, when the floor space of each dwelling is known.
- 5.19 It is considered that the proposal is in accordance with the Interim Policy Guidance document in that the housing development, subject to the subsequent approval of detailed plans in respect of layout, scale, design and materials will have no adverse impact on landscape character, residential amenity and highway safety.