

**Parish: Easingwold**  
**Ward: Easingwold**  
**3**

Committee Date: 25 July 2019  
Officer dealing: Miss Ruth Hindmarch  
Target Date: 23 May 2018  
Date of extension of time (if agreed):

**18/00375/FUL**

**Full planning application for the construction of 12 dwellings, garages and associated infrastructure.  
at Land Adjacent Ash Lea and Bellwood Cottage, Raskelf Road, Easingwold  
for Daniel Gath Homes.**

**This application is referred to Planning Committee as the proposal follows a refused proposal considered by the Committee that was a departure from the Development Plan and this proposal involves Discount Market Sale affordable housing.**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is located on the north side of Raskelf Road, approximately 130 metres from the junction with Thirsk Road. It comprises an existing domestic plot, known as Bellwood Cottage, a paddock and part of the domestic rear garden of Ash Lea.
- 1.2 The 0.48 hectare site is bounded by hedging and there are some mature trees on the northern boundary. The southern part of the paddock, between Ash Lea and Bellwood Cottage, is within Development Limits, the boundary for which closely follows the rear of existing built form rather than the full extent of plots. As such the northern section of the site is beyond Development Limits.
- 1.3 Full planning permission is sought for the demolition of Bellwood Cottage and the erection of twelve dwellings. These would be a combination of two, three and four bedroom properties; ten being two storey, two units would be bungalows. Of the 12 dwellings 9 are two and three bedroom units and include 2 bungalows.
- 1.4 A single access would be taken from Raskelf Road to serve the development with space for turning and parking of vehicles provided within the site. The seven properties across the site frontage, within Development Limits, would have in-curtilage parking spaces accessed from the rear, three having a garage, while the five plots to the rear, beyond Development Limits, would be accessed by private drives and each with a garage.
- 1.5 Minor improvements had previously been secured to the proposed layout to achieve better separation distances between properties and changes to meet the comments of the Local Highway Authority.
- 1.6 The dwellings accord with the requirements of the Nationally Described Space Standard.
- 1.7 Plots 9 and 10 are proposed be affordable homes, transferred to a Registered Provider and to be 'Affordable Rent'. Plots 11 and 12 are to be affordable homes, Discount Market Sales units discounted by 45% from the Market Value and controlled in perpetuity by a Planning Obligation.

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

- 2.1 17/01328/FUL Planning application for the layout of 12 dwellings, garages and associated infrastructure. Application refused 12 October 2017 and appeal (18/00009/REFUSE) dismissed 16 November 2018.

The Inspector concluded in dismissing the appeal:

“...that the proposal would deliver a number of benefits which may not arise from a scheme located completely within the Development Limit. However, sufficiently robust evidence has not been provided to justify a reduced contribution to affordable housing. The proposal is not in accordance with the development plan and it is this matter which is decisive in this appeal.”

### **3.0 RELEVANT PLANNING POLICIES:**

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
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 CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP21 - Support for town centre shopping  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
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  
Affordable Housing - Supplementary Planning Guidance - June 2008  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015

### **4.0 CONSULTATIONS**

- 4.1 Easingwold Town Council – Wishes to see the application approved.
- 4.2 NYCC Local Highway Authority – No objection subject to conditions relating to the access, parking and turning space and site management.
- 4.3 Lead Local Flood Authority (LLFA)– No objection raised but seek additional details of the detailed design of the foul and surface water drainage system.
- 4.4 Environmental Health Officer – No objection but recommend conditions relating to the investigation and treatment if land contamination is found.
- 4.5 Yorkshire Water – No objection.
- 4.6 Public comments – No responses

## 5.0 OBSERVATIONS

- 5.1 As shown in the details of the relevant planning history, a similar proposal has already been determined and the appeal dismissed. The issues of the principle of the development that is partly inside and partly outside the Development Limits of Easingwold; matters of highway safety, drainage, design and the provision of affordable housing, were also addressed at an appeal hearing, with the conclusions set out in the decision letter of the Planning Inspector. The appeal decision is a matter to which weight should be attached.
- 5.2 The main issues to consider in this application remain: (i) the principle of development; (ii) size, type and tenure including affordable housing; (iii) highway safety (iv) drainage, and (v) design.

### Principle of Development

- 5.3 The proposal as the previous scheme has the southern portion of the site is within defined Development Limits and the principle of residential development on that portion of the site is supported by Local Development Framework (LDF) policies particularly CP6. However the remainder of the site is beyond Development Limits and as such the development of a further five dwellings on this part of the site would be a departure from the development plan, which would require exceptional justification.
- 5.4 The proposal for housing outside the Development Limits of Easingwold is to be tested against LDF Policy CP4iii which together with CP9a supported development where it is 100% affordable.
- 5.5 The proposal shows that the units outside Development Limit are open market dwellings, however the Planning Inspector observed

“... Policy CP9a would only support the scheme if all 4 dwellings beyond the development limit were affordable...” (Paragraph 13 of appeal 3196566)

At the time of the appeal only 2 dwellings were proposed to be affordable housing units and the Inspector found that the proposal did not make suitable provision for affordable housing and was contrary to CP4, CP9, CP9a and DP13.

- 5.6 The revisions made to the scheme have increased the proportion of affordable housing to 4 units. The scheme provides affordable housing units that in principle satisfies the requirements of CP4, CP9, CP9a and DP13 and thereby overcomes the previous policy objection.

### Size, type and tenure including affordable housing.

- 5.7 The scheme proposes a mix of house types that would contribute towards identified housing need in the District with 75% of the units being 2 and 3 bedroom dwellings, including two 2-bedroom bungalows (16%). The mix of sizes and types of dwellings is therefore appropriate and complies with the requirement of the Local Development Framework Policies CP8 and DP13 to respond to the need for an increase in the provision of smaller homes.
- 5.8 All of the dwellings exceed the minimum floor areas set out in the Nationally Described Space Standards.
- 5.9 The tenure arrangements proposed are for 8 units of market housing, 2 affordable rental units and 2 discount market for sale (DMS) units. The extent of discount has been the subject of extensive discussion to ensure that the DMS units meet the

affordability targets of CP9 and CP9a. The level of discount is proposed to be 45%. This means that the sales price of the 2 DMS units would be reduced by 45% from the open market value of the property and would meet the affordability criteria of meeting the lowest quartile household income. The discounted level can be controlled in perpetuity by means of a Section 106 Agreement. The Section 106 Agreement can also control the local connection applying to both the affordable rental and DMS units in perpetuity.

#### Highway safety

- 5.10 A single point of access is proposed into the site from Raskelf Road with a minimum of two parking spaces per property proposed within the site, some as in-curtilage bays and others within garages. The proposals are considered to make appropriate provision for parking to meet the requirements of CP3 that seeks to avoid congestion. The Authority does not raise any objection to the proposal, subject to standard conditions.

#### Drainage

- 5.11 The NPPF requires planning authorities to ensure that sustainable drainage systems for the management of runoff are in place for major development unless demonstrated to be inappropriate and that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The advice of the Local Lead Flood Authority shows that with a suitably worded condition regarding the control of foul and surface water disposal the scheme is acceptable. The development is proposed to be drained with foul water to the public sewer and a sustainable drainage system for surface water disposal. The proposal meets the requirements of the LDF policies in this respect. Conditions are necessary to ensure the scheme is provided in accordance with the requirements of the LDF and the LLFA guidance.

#### Design

- 5.12 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.14 The National Planning Policy Framework Planning (NPPF) supports this approach and states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF sets an expectation that applicants engage with the local community in drawing up the design of their schemes.
- 5.15 Overall the proposed design is of appropriate quality, introducing properties of traditional materials and design features that would respect the residential nature of Raskelf Road. The layout allows for minimum privacy distances to be achieved while introducing properties that front the highway as per the existing vernacular with internal access and turning facilities to serve properties within the site. The proposed development would sit well within the existing built form of Easingwold and would not detract from its character.

## Planning balance

- 5.16 The development would have some public economic benefits in terms of employment during construction, although this would be short term, ongoing economic impact would arise from the activity of the future occupiers. The scheme would provide social benefits through the provision of additional housing and the greater social benefit of affordable housing in perpetuity for local people. The location of the site in a residential area and has close links to the range of services the Service Centre of Easingwold offers, including good transport links to other areas and can be undertaken without detriment to the environment. No other matters are found to outweigh the conclusion that overall the scheme is a sustainable form of development that accords with the policies of the LDF.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to conditions and the completion of a Section 106 Agreement to secure the provision of affordable housing for local people in perpetuity.

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. Land Contamination.

1. No development shall commence until a 'Phase 2' Detailed Site Investigation and Risk Assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2)

2. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL4)

3. 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 development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary an updated Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (see Note for Applicant CL2 and CL4)

4. No further development shall commence until the approved remediation scheme has been implemented.

5. The development shall not be occupied/The development shall not be brought into use until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL5)

### Contaminated Land Notes for Applicants:

CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites - Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF).

CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for

Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 9.2 March 2018. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 November 2017, and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.

3. 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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
  - (a) the proposed highway layout including the highway boundary
  - (b) dimensions of any carriageway, cycleway, footway, and verges
  - (c) visibility splays
  - (d) the proposed buildings and site layout, including levels
  - (e) accesses and driveways
  - (f) drainage and sewerage system
  - (g) lining and signing
  - (h) traffic calming measures
  - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
  - (a) the existing ground level
  - (b) the proposed road channel and centre line levels
  - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
  - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
  - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - (c) kerb and edging construction details
  - (d) typical drainage construction details.

- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

4. 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 or block paved (as approved) 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.

5. 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) at Raskelf Road until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 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.

6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 500 Rev N. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. No demolition or construction for any phase of the development shall take place until a Construction Phase Management Plan for that phase relating to the programme of demolition and construction works has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Phase Management Plan be adhered to throughout the construction period for the phase. The plans shall include, but not be limited, to arrangements for the following in respect of each phase of the works: 1. Measures to manage the delivery and removal of materials and plant to the site 2. Storage of plant and materials used in constructing the development 3. Wheel washing facilities

8. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or

plants which, within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

9. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered and received as follows:

#### Layout

Location plan received 21 February 2018

Site plan 12 plots 500 revision N received 11 July 2019

#### Dwellings

The Cundall Plot 7 2 bed 3 person bungalow Planning drawing revision A received 11 July 2019

The Cundall Plot 8 2 bed 3 person bungalow Planning drawing revision A received 11 July 2019

The Hepton plots 1, 2, 9 and 10 Planning drawing revision C received 11 July 2019

The Hepton 2 bed 3 person houses on plots 11 and 12 Planning drawing revision C received 11 July 2019

The Sedburgh Plot 3 Planning drawing received 12 December 2018

Plot 4 Planning drawing received 21 February 2018

Plot 5 Planning drawing sheet 1 (elevations) received 21 February 2018

Plot 5 Planning drawing sheet 2 (floor plans) received 21 February 2018

Plot 6 Planning drawing revision A received 21 February 2018

#### Garages

Garages on plots 1 and 2 received 13 December 2018

Double garage on plots 4 and 6 received 21 February 2018

Garage planning drawing for plot 7 received 21 February 2018

1720 Raskelf Rd single garage on Plots 3 and 8 received 21 February 2018

10. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

11. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

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. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.

3. In accordance with Policy CP1, CP3 and CP4 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
4. In accordance with Policy CP1, CP3 and CP4 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
5. In accordance with Policy CP1 and CP4 and in the interests of road safety
6. In accordance with Policy CP1 and CP3 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.
7. To provide for appropriate parking and storage in the interests of highway safety.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP32.
9. 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 CP17 and DP32..
10. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
11. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Local Development Framework Policies CP1, CP17 and DP32.