

Parish: Easingwold
Ward: Easingwold
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Committee Date : 12 December 2019
Officer dealing : Miss Ruth Hindmarch
Target Date: 9 April 2019
Date of extension of time (if agreed):

18/02681/FUL

Construction of 9 bungalows, garages and associated infrastructure, access and parking as amended by details received 2nd September 2019.

**At: Land at rear of Lilac Cottage Stillington Road Easingwold North Yorkshire
for: W&W Estates.**

This application is referred to Planning Committee at the request of a Ward Member.

1.0 Site, context and proposal

- 1.1 The application site is approximately 0.55 hectares and currently forms part of a small grassed area to the rear of Lilac Cottage, Stillington Road, Easingwold.
- 1.2 The site is bounded by hedging on the north eastern boundary and there is a protected Oak tree on this boundary (17/00009/TPO2). There is also hedging and some trees on the south eastern boundary with Lilac Cottage to the south west and residential properties to the north west. Beyond the planted boundaries there is consent for residential development that is under construction with some properties that are complete.
- 1.3 Full planning permission is sought for the erection of nine bungalows. These would be a combination of two and three bedroom properties some single storey bungalows and 5 with rooms in the roof space.
- 1.4 A single access would be taken from Stillington Road, east of Lilac Cottage, to serve the development with space for turning and parking of vehicles provided within the site.
- 1.5 The whole of the site is beyond Development Limits. The Development Limits boundary runs along the rear of the properties adjacent on Leasmires Avenue and along the rear of the dwelling at Lilac Cottage and then out along Stillington Road for a short distance. The land to the east now under development, following a successful appeal, is outside the Development Limits.
- 1.6 Throughout consideration of the application amendments have been made to reduce the number of dwelling numbers and also change the dwelling types from two storey dwellings to bungalows.
- 1.7 The application was deferred at the November Planning Committee meeting to allow Officer's to discuss the potential for affordable housing provision within the scheme. Discussions have taken place and the outcome will be detailed in the relevant section of the report.

2.0 Relevant planning and enforcement history

- 2.1 88/1474/OUT – Outline Application for Residential Development – Refused November 1988
- 2.2 13/01703/OUT – Outline application for a residential development (up to 175 dwelling) with associated infrastructure and access – Refused November 2013. Allowed on Appeal.

The appeal site adjoins the application site. Subsequently reserved matters, 17/00519/REM, were approved for the dwellings on 27 October 2017.

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 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
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
Emerging Hambleton Local Plan
National Planning Policy Framework

4.0 Consultations

- 4.1 Easingwold Town Council – Wish to see the application refused as it is an overdevelopment of the site, there are concerns about traffic flow and it is beyond the Development Limits.
- 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 and maintenance of the surface water drainage system. (This comment was made when the application was classed as a major, seeking approval for 10 dwellings, the proposal is now a minor and the LLFA have not commented on the updated plans).
- 4.4 Environmental Health Officer – No objection but recommend conditions relating to working hours and the investigation and treatment if land contamination is found.
- 4.5 Yorkshire Water – No objection.
- 4.6 Public comments – Two responses received raising concern over the impact on the privacy of neighbouring occupiers and noise from the development during construction and occupation. Also concerns raised regarding pedestrian and highway safety, drainage problems in the area and lack of affordable housing. [The

comments were made when the proposal was for two storey dwellings prior the most recent change to a scheme of bungalows.]

5.0 Analysis

- 5.1 The main issues to consider are: (i) the principle of development; (ii) affordable housing; (iii) highway safety; (iv) drainage; (v) design; and (vi) impact on residential amenity.

Principle of Development

- 5.2 The site is beyond Development Limits and as such the development of the site for residential purposes would be a departure from the Development Plan, which would require exceptional justification as required by LDF Policy CP4.

- 5.3 The applicant's Planning Statement states:

the principle of development of the site is established through the development of the adjacent Kier site which lies beyond two boundaries of the application site. The Kier site is also outside current development limits. The development of the land adjacent was refused by the council, the first reason for doing so stated '*The proposal represents unsustainable development on a greenfield site outside of the Development Limits without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4, CP6 and DP9 of the adopted Hambleton Local Development Framework*'. The development of the site was subsequently allowed on appeal. A key issue during consideration of that appeal was the housing land supply and whether the council could demonstrate a five year supply. The Inspector concluded there was not a five year supply of deliverable housing sites and therefore the relevant policies for the supply of housing cannot be considered up to date. It follows that, in accordance with paragraph 14 of the NPPF (2012 version), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The conclusions of the planning statement, relating to housing land supply the status of the policies and the planning balance previously found, are not supported by the most recent evidence.

- 5.4 Whilst development of the Kier site is a fact, the appeal was allowed under a different set of circumstances, an important difference being that the council can now demonstrate a housing land supply well in excess of 5 years and the relevant policies for the supply of housing in the Development Plan are up-to-date.
- 5.5 The proposal for housing outside the Development Limits of Easingwold is to be tested against LDF Policy CP4. CP4 states development in locations that are outside the Development Limits will only be supported when an exceptional case can be made for the proposals and provides a number of 'exceptions' where development outside the limits can be supported. The application does not put forward any evidence to show the proposal meets any of the exceptions outlined in CP4. It is however necessary to assess the potential adverse impacts and benefits of the proposed development in order to determine whether justification for a departure from the development plan can be made.

Affordable housing

- 5.6 As reported previously in terms of tenure, all of the units are proposed for private sale and it is not proposed to provide affordable homes either on site or by financial contribution. Following consideration of the application at November's Planning

Committee further discussion on the potential for affordable housing provision has taken place. The agent has confirmed delivering affordable homes on-site or even via an off-site contribution would have an unacceptable impact on the viability; especially given the applicant has amended the scheme from 10 houses to 9 bungalows. No evidence has been provided to confirm the viability issues. Therefore there remains to be no provision of affordable housing within the scheme. The policy position for sites beyond Development Limits is that CP4 and CP9A only support schemes that are 100% affordable housing and therefore to accord with LDF policy all the dwellings should be affordable. Although policy CP9 notes that:

“The actual provision on individual sites will be determined through negotiations, taking in to account viability and the economics of provision”

In the absence of evidence to demonstrate the impact upon viability of providing affordable housing it is considered that the absence of any affordable housing is a substantial breach of the Development Plan Policy.

Principle of development – sustainable development and housing land supply

- 5.7 The development would have some economic benefits in terms of employment during construction, although this would be short term, and the subsequent occupation and spend of residents to the benefit of the local economy, the benefits would mainly be private to the landowner and developer. Any such benefits would be achieved equally from sites that are within Development Limits and these economic benefits cannot be a justification to set aside the policy presumptions of the adopted Development Plan.
- 5.8 The site is adjacent 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. The scheme would contribute to housing needs in the area, including providing bungalows, for which there is reported to be a high demand. It is evident therefore the proposal has some identifiable benefits. However, the absence of any affordable housing beyond Development Limits, where LDF policies normally require 100% affordable housing is not only a failure to achieve an identifiable benefit but also in clear breach of policy.
- 5.9 While accepting that the NPPF gives a presumption in favour of sustainable development, particularly for housing, and that a five year housing supply is not a ceiling and therefore a reason to refuse otherwise appropriate applications, it must be acknowledged that there is a substantial public benefit to having a following the policies of a plan led system, as identified by the NPPF. LDF policies can appropriately direct future development if they are coherent and broadly NPPF compliant. The Council has reviewed its approach under CP4, introducing greater flexibility in rural areas under Interim Policy Guidance, and updating the Settlement Hierarchy to allow for greater development opportunities in villages and relaxed the phasing requirement of Policy CP5; this responds to the need to boost the supply of housing and maintains a high degree of consistency with the NPPF. The Council has a housing land supply of over nine years, substantially beyond the 5 years plus buffer that is required by the NPPF. With regard to larger settlements the approach remains principally allocation-led within the plan and locational sustainability is, again, NPPF compliant. Development Limits have been demonstrated to serve a legitimate planning purpose and given the housing land supply this approach is delivering a sufficient supply of homes in accordance with the NPPF. An example of support for this approach is seen in the recently dismissed scheme at Raskelf Road, Easingwold (APP/G2713/W/18/3196566) that confirms LDF restrictions on sites beyond Development Limits do not conflict with the NPPF and the appeal was supportive of the Council's position.

- 5.10 In the Publication Draft of the emerging Hambleton Local Plan, the site is not allocated for development however a development limit boundary is not proposed and the site would no longer be outside development limits. The new Local Plan has reached the Representations stage, it has not reached the 'Submission' stage when it is submitted to the Planning Inspectorate and as such can only be given limited weight.
- 5.11 It is acknowledged that the provision of bungalows is a benefit to the scheme. The public benefits of the scheme are acknowledged but are limited and do not justify a fuller assessment of the scheme as part of Local Plan process. In contrast, the public dis-benefits are evident: unjustified development contrary to Development Plan Policies, a failure to deliver affordable housing as required by policy CP9A and pre-empting development under the emerging Local Plan.

Highway safety

- 5.12 A single point of access is proposed into the site from Stillington Road with a minimum of two parking in-curtilage spaces per property 4 dwellings are shown to have a garage. The proposals are considered to make appropriate provision for parking to meet the requirements of CP3 that seeks to avoid congestion. It is acknowledged concern has been raised by a local resident regarding the proliferation of access on this part of Stillington Road however the proposals have been examined by the Local Highway Authority and raise no objection to the proposal, subject to standard conditions.

Drainage

- 5.13 The development is proposed to be drained with foul water to the public sewer and the surface water will be discharged at a restricted rate of 3.5 litres per second to the surface water sewer on Stillington Road as soakaway tests have deemed the site unsuitable for surface water drainage via soakaways. Yorkshire Water has confirmed this to be acceptable and also agree with the discharge points for both foul and surface water. The Local Lead Flood Authority considered the proposals when the scheme was a major development (10 dwellings) and concluded conditions would be required should the application be approved. Conditions are necessary to ensure the scheme is provided in accordance with the requirements of the LDF and the LLFA guidance.

Design

- 5.14 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."
- 5.15 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.
- 5.16 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.
- 5.17 The proposed house types are either single storey bungalows or bungalows with rooms in the roof and they vary in scale and design which would add interest to the

street scene. The dwellings would be of traditional construction with pitched roofs, the dwellings would have individuality through the use of some gable features and porches to the front and variations in materials. The proposed dwellings would appear appropriate to the location. Features such as canopies and stone lintels and sills to windows provide detailing to enhance the overall design.

- 5.18 In terms of layout the proposed dwellings are mainly detached with moderate gardens and it is considered to be in keeping with the character of the area and would not detract from it. There is a protected tree to the northern boundary, the layout shows the dwellings are outside the tree protection zone and should the application be approved conditions could be attached to ensure its retention and protection.

Residential Amenity

- 5.19 The development provides sufficient distance between the properties and each property has sufficient amenity space. Two neighbour comments have been received raising concern over the impact on the privacy of neighbouring occupiers and noise from the development during construction and occupation. These comments were received prior to the scale of the development being reduced to 9 bungalows. The layout exceeds the 21m back to back separation distance to properties on Leasmires Avenue and given the single storey nature of the dwellings there will only be roof lights in the roof of some of the properties and it is considered the impact in terms of overlooking will be acceptably low. Submitted plans do show the finished floor levels would be higher than the levels at the western boundary to the site however given the siting and scale of the dwellings there would not be any undue impact in terms of overshadowing and overbearing on the properties along Leasmires Avenue.
- 5.20 Given the siting of the host dwelling at Lilac Cottage and the layout of the proposal it is not considered there will be any undue impact on the occupiers of this property. Furthermore the relationship between the proposed dwellings and the adjoining residential development to the north and west is considered to be acceptable.
- 5.21 The Environmental Health team recommend a working hours condition that could be added in the interest of the amenity of surrounding residents if the application were to be approved. The dwellings do meet the Nationally Described Space Standards in terms of floor space. Given the above it is considered the proposal is in accordance with policy DP1 in that the development would adequately protect amenity.

Planning balance

- 5.22 The development would have some public economic benefits in terms of employment during construction, although this would be short term, some positive ongoing economic impact would arise from the activity of the future occupiers. The scheme would provide some social benefit through the provision of additional housing and a good bungalow provision. The location of the site is in a residential area and has close links to the range of services the Service Centre of Easingwold offers, including transport links to other areas and can be undertaken without detriment to the environment. However it is considered these benefits do not justify a departure from the Development Plan and it is considered the principle of development on this site is not acceptable. The site would represent unjustified development outside development limits, the council can demonstrate a healthy housing land supply of more than 9 years, well in excess of 5 years plus buffer required by the NPPF, which also shows the plan led system is working in terms of housing supply within the district.

6.0 Recommendation

That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposed development is beyond Development Limits, does not meet any of the exceptions to Policy CP4 and does not provide any public benefit, namely affordable housing, that could justify approval of additional development contrary to the Development Plan, there are therefore no material considerations that would justify approval. Additionally the Council has a housing land supply substantially in excess of the 5 years plus buffer required by the NPPF, accordingly the approval of additional development contrary to the Development Plan cannot be justified as being necessary.