

**Parish: South Kilvington**  
Ward: Bagby & Thorntons  
**8**

Committee date: 10 March 2022  
Officer dealing: Naomi Waddington  
Target date: 1 February 2022  
Extension of time 15 March 2022

**21/02898/FUL**

**Construction of five houses with garages and access drive**  
**At: Innesfree, Stockton Road, South Kilvington**  
**For: Mr Andrew Swales**

**This application is referred to Planning Committee at the request of a member of the Council**

## **1.0 Site, context and proposal**

- 1.1 The site is located at the northern end of South Kilvington on the west side of the main road through the village (A61). The site is currently laid to grass, and formerly was the playing field area for South Kilvington Primary School. It is enclosed by a mix of post and rail fencing, hedging and mature trees. The site is currently accessed on the eastern side via a gate.
- 1.2 The site is bounded to the north by Thornborough Grange Park, a holiday lodge park; to the east is the A61 highway with arable land opposite. The access lane to a private dwelling (Innisfree) is located immediately to the south beyond which is the primary school. To the west is the recently provided replacement school playing field to compensate for that lost to the application site.
- 1.3 The current application seeks full planning permission for 5 houses with garages arranged in a crescent shape.
- 1.4 The current application seeks to amend the layout and mix previously approved. The application was originally submitted as a reserved matters proposal. However as the proposed mix does not accord with the requirements of condition 18 of the outline permission requiring the size and type of dwellings forming the proposed development to comply with Development Policy DP13 and the Councils Supplementary Planning Guidance on Housing Size, Type and Tenure, the application could not be accepted as a reserved matters application, and this full application was submitted.
- 1.5 In this full application five dwellings are proposed. The proposed housing mix is 1 x 3 bed roomed house, 2 x 4 bed roomed houses, 1 x 5 bed roomed house 1 x 4 bed roomed dormer bungalow. The proposed dwellings range in size from 154m<sup>2</sup> to 223m<sup>2</sup>. The application is submitted with a Design and access statement, percolation test report, and ecological impact assessment

## **2.0 Relevant planning and enforcement history**

- 2.1 18/00952/OUT - Proposed development of land to create 5 detached dwellings with associated infrastructure, a car park and a Primary School sports field. Granted 3rd April 2019. This scheme relocated the Primary school sports field and proposed a new car park for the adjacent Primary School.

- 2.2 The officer report for the 2018 application indicates there would be a mix of dwellings including a two-bedroom bungalow, three-bedroom bungalow and four-bedroom detached houses, and indicative details showed three bungalows and two dwellings. The school raised an objection to the proposal, objecting to the loss of the playing field commenting it is well established, level, with acceptable ground and adequate drainage. They also commented the provision of the car park is welcome, however the school is not in a financial position to provide or maintain it, and it would not alleviate the traffic issues which arise on the public highway during school drop off and pick up times. Following receipt of revised plans the school confirmed they were satisfied the concerns had been addressed however wished to keep their original response to the application in place. The officer report states: 'The proposed new car park would provide parking for the school, a facility it does not currently have and it is acknowledged this is a benefit of the scheme however it is not considered this would greatly improve the traffic and parking concerns at school drop off and pick up times, the car park would be beneficial to school staff in the first instance'. The application was recommended for refusal as the proposal is contrary to CP4 of the Hambleton Local Development Framework, does not meet any of the exceptional circumstances for development outside Development Limits, and would cause significant harm contrary to the Hambleton Local Development Framework Policies CP1, CP4, CP16, DP9, DP30 and DP32 and the Council's Interim Policy Guidance (IPG). Members approved the application subject to conditions requiring the playing field, pitches and car park to be completed and made available for use before the development commences to construct houses on the existing playing field, and requiring the size and type of dwellings forming the proposed development shall comply with Development Policy DP13 and the Council's Supplementary Planning Guidance on Housing Size, Type and Tenure, in terms of providing the right mix of housing in the locality.
- 2.3 19/00833/FUL - Proposed change of use of land to create a car park and a Primary School sports field Granted 24th May 2019. The report states 'Consent has previously been sought for this work as part of an outline application that also included the construction of 5 dwellings. In order to allow the development of the car park and playing field as soon as possible and to facilitate this the separate application has been submitted'. The approval includes a condition requiring the playing field and pitches to be available for use before development commences on the existing playing field.
- 2.4 20/02297/REM Reserved matters application associated with 18/00952/OUT- Approval of appearance, landscaping, layout and scale for the construction of 5 dwellings with garages, gardens and associated infrastructure. Granted 21 April 2021. The approved scheme granted consent for 1 x 2 bedroomed dwelling, 2 x 3 bedroomed dwellings, 1 x 4 and 1 x 5 bedroom dwellings, ranging in size from 78m<sup>2</sup> to 213m<sup>2</sup>. The approved mix provided 60% 2 and 3 bedroomed homes including a 2 bedroomed bungalow and a 3 bedroomed dormer bungalow with ground floor bedroom, thus meeting the requirements of the Development Policy DP13 and the Council's Supplementary Planning Guidance on Housing Size, Type and Tenure. The approved layout reflects the indicative layout which was considered in the outline application and the access to and within the site, and shows the five dwellings in a linear form. The final layout accommodates an easement which crosses the site.

### **3.0 Relevant planning policies**

#### 3.1 The relevant policies are:

National Planning Policy Framework (NPPF)

Local Plan Policy S1 - Sustainable Development Principles

Local Plan Policy S3 - Spatial Distribution

Local Plan Policy S5 - Development in the Countryside

Local Plan Policy HG2 - Delivering the Right Type of Homes

Local Plan Policy HG3 – Affordable Housing Requirements

Local Plan Policy HG5 - Windfall Housing Development

Local Plan Policy E1 - Design

Local Plan Policy E2 - Amenity

Local Plan Policy E3 - The Natural Environment

Local Plan Policy E7 - Hambleton's Landscapes

Local Plan Policy CI1 – Infrastructure Delivery

Local Plan Policy CI2 - Transport and Accessibility

Local Plan Policy RM1 - Water Quality and Supply

Local Plan Policy RM2 - Flood Risk

Local Plan Policy RM3 - Surface Water and Drainage Management

Local Plan Policy RM5 - Ground Contamination and Groundwater Pollution

### **4.0 Consultations**

#### 4.1 South Kilvington Parish Council – No objections, with comments summarised as follows:-

- welcome new homes to the village.
- previous applications have been made
- The site must continue to provide playing fields for the school over the long term
- The site must continue to provide car parking facilities for the school.

A subsequent representation from the Parish Council encloses third party correspondence in relation to parking issues particularly around the school. The Parish Council comment further:-

- ongoing issue with cars parking on the highway
  - We understand should planning be forthcoming, one of the first items to be addressed by the developers would be the creation of a hardstanding for the school to use as a carpark.
  - This proposed development helps alleviate this issue around the school.
  - The Parish Council would like to re-iterate its support for this scheme
  - The school will benefit from a car park, which will remove a number of cars off the road side and should also ease congestion in the area.
- 4.2 Highway Authority – Recommend conditions in relation to New and altered Private Access or Verge Crossing, Provision of Approved Access, Turning and Parking Areas, submission of Construction Phase Management Plan- Small sites
- 4.3 Yorkshire Water – Objection due to existing infrastructure, summarised as follows:-
- records indicate a water main crosses the red line site boundary.
  - The presence of the main may affect the layout of the site and is a material consideration
  - Recommended no obstruction encroaches within 5 metres on either side of the main i.e. a protected strip width of 10 metres.
  - Exact line of the main will have to be determined on site under Yorkshire Water Services supervision.
- 4.4 Natural England – No comments to make. Standing advise issued
- 4.5 Ministry of Defence – No response received (expired 05.01.22)
- 4.6 Yorkshire Wildlife Trust - – No response received (expired 05.01.22)
- 4.7 Site notice posted and expired 10.01.2022
- 4.8 Public comments – site notice displayed and neighbours consulted. No comments received

## **5.0 Analysis**

- 5.1 The main issues to consider are: i) the principle of development, ii) housing mix including affordable housing, iii) layout and appearance, iv) highway safety, access and parking, v) drainage and water supply, vi) residential amenity, vii) biodiversity and trees, viii) land contamination.
- i) The principle of development
- 5.2 The principle of development on this site has already been established by the extant outline and reserved matters applications. However, it at the time of granting the outline permission members considered that approval should be given as a departure from the provisions of the Local Development Framework (LDF), furthermore officers advised that the proposal did not meet the requirements of the

Interim Housing Policy Guidance. Since the approvals the Local Plan has replaced the LDF, the Local Plan must be afforded full weight.

5.3 Hambleton Local Plan policy S3 'Spatial Distribution' identifies South Kilvington as a Secondary Village, and the proposal is contrary to provisions of policy S5 'Development in the Countryside' as the site is located outside of the existing built form of the settlement. The site is a windfall housing site adjacent to the built form of secondary villages, policy HG5 'Windfall Housing' requires the proposal to demonstrate

a) a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and

b) it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents

All proposals will individually or cumulatively; c) represent incremental growth of the village that is commensurate to its size, scale, role and function

d) not result in the loss of open space that is important to the historic form and layout of the village; and

e) have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village

5.4 The proposal would extend the village northwards to an extent that would not respect the existing character of village. The development of the site would not relate well to the village given that it would not only extend the built form significantly of itself, but also because it would remove the green break between the village and the holiday lodge site and the A168. The site represents an important green entrance when approaching from the north. Development of this site would have a negative impact on the character of the village. The application site and land on the opposite side of the highway is open in nature with mature trees along the boundary. It is considered the open character on both sides of the road contributes to visual amenity of the area. The entrance to the village is open and tranquil and development on either side of the highway would have a detrimental visual impact and would negatively impact on the character of the area. The presence of the holiday lodge site to the north is acknowledged however it is considered this is currently distinctly separate from the main village and the development of this site would not represent infill within the village.

5.5 Notwithstanding the extant approval, the development of this site would fail to accord with the provisions of policies S3 and HG5 of the Hambleton Local Plan

ii) Housing mix

5.6 As discussed above Policy HG5 'Windfall Housing' requires at clause (b) that proposals provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. Similarly policy HG2 'Delivering the Right Type of Homes' requires at

clause (f) 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing'. The justification to the policy advises at paragraph 5.29 'Almost half of the existing housing stock comprises larger four bedroom detached properties that are unaffordable to many local people. The Strategic Housing Market Assessment (SHMA) identifies an urgent need for smaller and more affordable dwellings. To address this issue the Council will seek to achieve a mix of predominantly one, two and three-bedroom homes. Providing the right types of homes in the right places to meet residents' aspirations and provide a range of housing choices will allow Hambleton's towns and villages to thrive. This policy seeks to ensure sufficient homes are built which are of a size and type that meet the needs of local people, enabling older people to downsize to accommodation better suited to their long-term needs, and providing affordable homes for younger people, helping to retain a local workforce that can help support the district's economy'.

- 5.7 The housing mix of the extant scheme provides 60% 2 and 3 bed roomed homes including a 2 bed roomed bungalow and a 3 bed roomed dormer bungalow with ground floor bedroom, and comprises, 1 x 2 bed roomed dwelling, 2 x 3 bed roomed dwellings, 1 x 4 and 1 x 5 bed roomed dwellings. This complies with the with the Supplementary Planning Guidance on Housing Size, Type and Tenure. The current scheme proposes 1 x 3 bed house, 2 x 4 bed houses, 1 x 5 bed house 1 x 4 bed dormer bungalow without any ground floor bedrooms. The SHMA update report of October 2016 found a need in market dwelling schemes for 5-10% 1 bed homes, 40-45% 2 bed homes, 40-45% 3 bed homes and 5-10% 4+ bed homes (note the mix does not add up to 100% in order to allow some flexibility). The proposed scheme provides 80% 4 and 5 bed roomed homes, and only 20% 3 bed roomed homes. In addition the proposed scheme does not provide any bungalow provision as required by the Size, Type and Tenure of New Homes Supplementary Planning Document
- 5.8 In support of the proposal the application is submitted with a financial appraisal. This explains that sale prices have increased, the cost of building materials has increased, and sets out the costs at price per square foot, purchasing costs of the land, and costs to date, showing the approved scheme to result in a loss of -1.93% and the proposed scheme to result in a profit of 11.7%. There is no independent assessment of recent comparable sale prices in the locality and the appraisal uses a baseline comparison assessment of only one dwelling within the village constructed by the same developer to provide the estimated sale prices of the approved and proposed scheme. This is considered insufficient to provide a fair estimated sales price, and in the absence of independent comparable sales values it is possible the estimated sales are lower than realistically achievable. The Local Planning Authority acknowledges the costs of building materials have increased recently, and the proposal includes costs associated with relocating the school playing field on which the application site is located, and offering to provide a school car park as approved in the original scheme. The new school playing field is already in operation. The costs of providing the replacement playing field and new school car park as approved in the outline and reserved matters planning permissions should be reflected in the purchase price of the site, and as the applicant is a prospective purchaser it would seem reasonable to assume that some of the purchasing costs and costs to date identified in the financial appraisal are not

attributable to the applicant. The application site is not an allocated site, but a windfall site in a location that is contrary to policy, and with a housing mix that is contrary to planning policy. The proposal therefore fails to accord with the requirements of policies HG2 and HG5 of the Hambleton Local Plan and no material considerations have been identified that would justify making a departure to the adopted policy.

- 5.9 Affordable housing is required by HG3 to be provided on schemes of 5 units or more at a rate of 30%. No affordable housing is proposed. The developer has set out the financial viability of the scheme is poor. The appraisal has not considered the costs of providing affordable housing. The lack of appropriate assessment of the financial viability of the proposal leaves the proposal in conflict with the requirement of policy HG3 to provide affordable housing.

iii) Layout and appearance

- 5.10 Policy E1 of the Hambleton Local Plan concerns the design of development. It sets out a list of design principles that development must meet, including responding positively to site context, making efficient use of land, and achieving a satisfactory relationship with surrounding uses. In addition to policy S5 requiring development in the open countryside to recognise and protect the intrinsic beauty and character of the countryside, policy E7 also requires proposals to, amongst other things, take into consideration the degree of openness and special characteristics of Hambleton's landscapes.

- 5.11 The layout is changed from the approved linear form to a crescent shape, and design of the dwellings has changed to reflect the revised housing mix. South Kilvington has a varied character in terms of types of dwellings, ages and materials thus the proposed dwellings would not be at odds with the local vernacular. Plot 5 extends closer to the site frontage than the earlier approved scheme, however within the village are several dwellings positioned close to the highway and this is not out of character. Overall the appearance of the buildings when assessed in isolation is not unacceptable. But as noted above the development is inappropriate to the context.

iv) Highway safety, access and parking

- 5.12 Policy IC2 of the Hambleton Local Plan relates to transport and accessibility and states that Hambleton District Council will work with other authorities to secure a safe and efficient transport system. The access to the site is the same location as previously approved. The road layout within the site differs from the approval to accommodate the crescent shape and includes a turning spur located between trees. The local Highway Authority has been consulted and has no objection to the proposal, recommending conditions. The access and parking arrangement is considered to comply with policy IC2.

v) Drainage and water supply

- 5.13 Policy RM1 requires there to be no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water or groundwater, and adequate water supply and treatment capacity in place to serve the development. Foul and surface water flows should be separated with foul water being disposed to a public sewer where available, and the design of the waste disposal system will be

safe over the lifetime of the development. Policy RM3 requires proposals to address several criteria promoting sustainable water management practises. Policy RM5 relates to Ground Contamination and Groundwater Pollution and includes information relating to septic tanks, waste water treatment works, chemicals storage tanks or underground storage tanks; sustainable drainage systems with ground infiltration.

- 5.14 The application form shows surface water disposal to an existing water course and foul sewage to a package treatment. The drainage hierarchy seeks to discharge foul water to a main public sewer and to attenuate surface water flows to greenfield run-off rates. If approved these matters could be controlled by condition. The site lies within Flood Zone 1 having the lowest risk of flooding. An easement for an existing culvert is shown within the northern part of the site. Yorkshire Water have objected to the application, making reference to a water main within the site, however they did not object to the earlier reserved matters application. The approximate location of the water main is not shown on the proposed drawing, clarification is being sought from Yorkshire Water and Members will be updated at the meeting.

vi) Residential amenity

- 5.15 Policy E2 of the Hambleton Local Plan states that "all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use." This relates to issues such as air pollution, daylight provision, noise and disturbance and water pollution.
- 5.16 The proposed dwellings would be located at a sufficient distance from existing residential properties to ensure the impact on neighbouring amenity is acceptable. It is also considered there would be sufficient space between the dwellings and within the site for amenity space. The dwelling adjacent to the caravan park is the proposed dormer bungalow and there is good screening and separation between the homes.
- 5.17 Policy HG2 requires all homes meet the National Described Space Standards(NDSS) The overall size of each house and the bedroom sizes meet the NDSS.
- 5.18 The proposal is not considered to result in harm to existing levels of privacy of residential amenity afforded to neighbours and affords an acceptable level of amenity to future occupants.

vii) Biodiversity and trees

- 5.19 Local Plan policy E3 requires all development proposals to demonstrate a delivery of new gain for biodiversity. The application is submitted with Ecological Impact Assessment dated March 2020. This document recommends protection of boundary hedges, clearance of vegetation and hedgerow removal being scheduled to avoid the bird breeding season, and low lighting scheme is to reduce the impact on commuting and foraging bats. Recommended ecological enhancement measures include the provision of bat and bird boxes, and gapping up of hedgerows with

native species. In addition a new hedge is proposed to the south and east boundaries which assists in achieving the required net gain. Should this application be approved appropriate conditions will be recommended.

- 5.20 A row of 4 semi-mature and 1 mature sycamore and lime trees on the site frontage are shown to be retained. The access and turning head is shown to be positioned between the trees. The trees are considered to be an important feature of the site in terms of landscape, setting of the village and their intrinsic value. It is important that the trees are not harmed. It is considered that the position of plot 5 close to the canopy of the trees would result in proposals to crown lift, reduce or remove the semi-mature common lime tree and semi-mature sycamore tree.
- 5.21 The ecological assessment undertaken does not set out whether a net gain for biodiversity would be achieved by the scheme. The proposal has not been shown to meet the requirements of the policy E3.

viii) Land contamination

- 5.22 Policy RM5 relates to ground contamination. Land contamination conditions were attached to the outline consent. Should this application be approved appropriate conditions will be recommended.

#### Planning Balance

The development would fail to achieve environmental benefits as the proposal threatens the retention of the trees on the site frontage and extends the development in a form that harms the openness of the countryside, the scheme has not been shown to achieve a net gain in biodiversity. The proposal does not provide affordable housing and does not meet the requirements for housing of a type and size to benefit the local population and does not therefore does not achieve social gain. A modest economic gain would be achieved through the construction and occupation of new dwellings but this would be no greater than achieved on sites that meet the policy requirements and does not weigh heavily in favour of support for the scheme.

The proposed housing mix is contrary to the provisions of the Hambleton Local Plan. There is no justification for overriding the policy requirements HG2 and HG5 and no other material considerations that would justify approval of this proposal. On this basis the proposal is recommended for refusal.

#### 6.0 Recommendation:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason

1. The proposed housing mix fails to comply with the requirements of Hambleton Local Plan policies HG2 and HG5, and the adopted Size, Type and Tenure of new homes Supplementary Planning Document (September 2015). The proposal does not provide two and three bedroom homes as required by the policies, nor does it make provision for bungalows as required by the SPD. The scheme significantly overprovides on the number of four plus bedroom houses. The financial appraisal submitted does not

outweigh the harm caused by not providing the right mix of houses to meet the needs of the districts' households

2. The proposal fails to provide affordable housing and has not been the subject of appropriate viability assessment and a land price that reflects the Local Plan policy objectives and is therefore contrary to the Local Plan policy HG3.
3. The development would have a detrimental impact on the character and appearance of the village of South Kilvington contrary to Local Plan policy HG5.
4. In the absence of details to the prove to the contrary the development will result in harm to the landscape setting of the settlement due to works to trees on the site frontage and will result in harm to the aesthetic value of the lime and sycamore trees in proximity to the plot 5 dwelling contrary to Local Plan policy E4 and E7 that requires the protection of green infrastructure and existing trees specifically.
5. The proposed development has not demonstrated the delivery of a net gain for biodiversity and therefore fails to meet the Local Plan policy requirements set in Policy E3.