

**Parish: Shipton**  
**Ward: Easingwold**

**Committee date: 27<sup>th</sup> October 2022**  
**Officer dealing: A O'Driscoll**  
**Target date: 28.02.2022**

**12**

**21/02619/FUL**

**Demolition of all existing buildings and the construction of 10no dwellings**

**At: Shipton Service Station, Main Street, Shipton By Beningbrough**  
**For: Mulgrave Developments Ltd**

**This application is referred to Planning Committee as the proposed development is of significant local interest and is a major development.**

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

- 1.1 The site is located towards the centre of Shipton by Beningbrough and is largely surrounded by housing. Shipton by Beningbrough is located within the boundaries of the York Green Belt, however, the settlement itself is excluded from the designation.
- 1.2 The site comprises a disused petrol filling station and garage fronting the Main Street. Towards the centre of the site on the northern boundary is an old Methodist Chapel dating from the early 1800s. Following its sale in the 1950s the chapel has been used as part of the garage business. The western boundary is delineated by a bank of trees which form part of an adjacent site. Otherwise the site is mainly bordered by built form save for a single tree on the northern boundary and a domestic hedge in the neighbouring property at Ivy House.
- 1.3 The site was allocated in the LDF as detailed below, however, it was not carried forward into the Local Plan

**EH4 GARAGE, MAIN STREET, SHIPTON (0.5ha)**

This site is allocated for housing, for release in Phase 2 (2016 – 2021), subject to:

- i. development being at a density of approximately 20 dwellings per hectare, resulting in a capacity of around 10 dwellings (of which a target of 50% should be affordable);
- ii. housing types meeting the latest evidence on local needs;
- iii. appropriate measures being taken to deal with any contamination relating to the previous garage use; and
- iv. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

- 1.4 The application site is slightly smaller than the allocation with areas to the north-west boundary (which would link the site to and extend beyond Burrells Lane), a small area west of the chapel and an area on the south-west boundary all excluded from the application. The previously allocated site measures 0.50ha and the application site 0.35ha.
- 1.5 The application as made is in full for the wholesale clearance of the site and development of 13 dwellings. The development will make use of the current access point and include the removal of the pedestrian refuge island which is currently located directly outside the site on Main Street.
- 1.6 During the life of the application a number of amendments were made, including the reduction in the number of units from 13 to 10, alterations to the individual designs and introduction of a footpath. The application of vacant building credit was also discussed and it was concluded that a viability assessment would be a more appropriate method of determining affordable housing provision. The assessment was submitted and reviewed for the Council by an independent consultant.

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

- 2.1 91/1276/OUT - Outline Application For Residential Development - Granted

## **3.0 Relevant planning policies**

- 3.1 The relevant policies are:

S1: Sustainable Development Strategy  
S3: Spatial Distribution  
HG5: Windfall Housing Development  
E1: Design  
E2: Amenity  
E3: The Natural Environment  
IC2: Transport and Accessibility  
IC3: Open Space, Sport and Recreation  
RM1: Water Quality, Supply and Foul Drainage  
RM3: Surface Water and Drainage Management  
Housing SPD  
NPPF

## **4.0 Consultations**

- 4.1 Parish Council – Raised the following issues:
- provision of additional bat surveys
  - ground contamination
  - No evening bus service so will be reliant on car
  - 13 units is an over development of the site
  - Lack of visitor parking
  - Will the crossing island be replaced?
- 4.2 Highway Authority – Final recommendation of condition and comments awaited

- 4.3 Lead Local Flood Authority – No objection subject to conditions
- 4.4 Yorkshire Water - No objection subject to conditions
- 4.5 Environmental Health Officer Land Contamination – Supports the approach proposed in the Phase III strategy.
- 4.6 Environment Agency – No Objection
- 4.7 Natural England – No Comments
- 4.8 Public comments – Four letters of representation were received three of which were marked as neutral and one in support. The letters raise the following points:
  - Development of this site is overdue and supported
  - The application uses an incorrect postcode
  - Impact on boundaries to the north
  - Inaccuracies in the application details
  - Pedestrian refuge should be replaced with a crossing within the village
  - Concerns use of existing ditches is not feasible
  - Shortage of parking in the area, highways safety
  - Lack of garages will result in immediate addition of outbuildings in small gardens.
  - The bus stop may need to be moved away from the access
  - No investment in local services

## **5.0 Analysis**

5.1 The main issues to consider are:

- Principle of development
- Affordable housing and housing mix
- Design
- Amenity
- Drainage
- Highways
- Biodiversity

### Principle

- 5.2 Policy HG5: Windfall Housing indicates that a proposal for housing development within the main built form a defined settlement be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development.
- 5.3 The built form is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. Shipton is defined as a Secondary Village within the Settlement Hierarchy contained in Policy S3: Spatial Distribution.

- 5.4 The application site is considered to be previously developed land within the built form of the settlement. The site is not protected, designated, allocated or otherwise safeguarded for any other use. It is therefore considered that the principle of development for housing can be supported in this case.

#### Affordable Housing

- 5.5 Policy HG3 indicates that the Council will seek 30% provision of affordable housing on housing developments. In this case this requirement would equate to 3 units.
- 5.6 The applicants originally sought to claim vacant building credit to fully offset the requirement for affordable housing. During the site visit, however, it was noted that the site was in use for commercial storage and one building was being used as an office. In addition to this an advert was found online indicating that the site was advertised in summer 2021 on a short term tenancy for commercial storage. It could not be agreed, therefore that the site was vacant for the purposes of the Vacant Building Credit.
- 5.7 The applicant subsequently submitted a viability appraisal which was reviewed on behalf of the Council by an independent consultant, Align Property Partners. Whilst the applicants' viability assessment indicated that no affordable units could be provided the Independent review found that a single unit could be provided whilst maintaining a profit margin of 17%.
- 5.8 Planning Practice Guidance indicates that: For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. It is considered therefore that the site is capable of providing a single unit of affordable housing.
- 5.9 The applicant subsequently offered a single Discount Market Dwelling under the First Homes policy at 30% discount. The Housing SPD, however, requires that First Homes should be sold at 50% discount. This is evidenced in the Councils HEDNA which calculates that a 50% discount is required to make them comparably affordable with the rented affordable units. The matter of tenure can be secured by a planning obligation on any approval.
- 5.10 Policy HG2 states that all new residential development should assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure.
- 5.11 As can be seen from the table below the proposed mix does not strictly adhere to the targets outlined in the SPD. In this case, however, the viability of the scheme is based on this mix and the achievable values for these house types. The viability of providing an affordable unit with a different mix has not been tested. Given that the viability is finely balanced in this case it is considered therefore that the slight deviation from the targets in favour of securing the provision of an affordable unit is acceptable.

House Size	Market Housing Proposed		Market Housing Target	Affordable Housing Proposed		Affordable Housing Target
	Units	Percentage		Units	Percentage	
1 bedroom	0	0%	5-10%	0	0%	20-25%
2 bedrooms	2	22.2%	40-45%	1	100%	50-60%
3 bedrooms	4	44.4%	40-45%	0	0%	10-20%
4+ bedrooms	3	33.3%	0-10%	0	0%	0-5%

5.12 All of the units comply with the Nationally Described Space Standards.

#### Design

- 5.13 Local Plan policy E1 states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 5.14 The dwellings are of traditional design laid out as detached, semi-detached or in terrace of three units. The dwellings will be finished in red brick with concrete roof tiles. This is broadly reflective of the character of Shipton which in the majority features red brick dwellings with tiled roofs.
- 5.15 The layout shows a pair of semi-detached dwellings fronting the highway with the access road to the side. This is reflective of the wider street scene in Shipton which features various groupings of road fronting properties with some rear access points to the side.
- 5.16 Due to the bend in the access road the dwelling at plot number 5 will be visible from the public road. The parking for Plots 1-5 is hidden from public view to the rear of plots 1 and 2. These points together are welcomed as presenting a limited view into the site with minimal displays of car parking.
- 5.17 A footpath is provided along the length of the access road up to the point where it changes to shared surfacing. Two visitor parking spaces are provided on the north side of the access road.
- 5.18 Overall it is considered that the design of the development is acceptable.

#### Amenity

- 5.19 Local Plan Policy E2 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.
- 5.20 The original application was for thirteen units. It was felt that this represented an over development of the site to the detriment of the overall design and spacing of the proposal. The reduction to ten units has allowed a full width access road with

footpath and better space about buildings. Each dwelling has a private amenity space and across the site these are, in general, a good size.

- 5.21 The dwellings are well spaced within the site. The closest separation distance is just over 13m in a side to rear relationship. Equally the relationship to off-site dwellings is good.
- 5.22 Appendix E of the Local Plan sets out the Council's requirements for public open space provision. Developments of 10 or more dwellings are required to provide an onsite local area of play (not equipped). In order to fit this on the site a reduction in units would be required which would then remove the requirement to provide the space. In this case it is not considered logical to pursue an on-site local area for play.
- 5.23 Overall, it is considered that the development will provide a good level of amenity for future occupiers with minimal impact on the amenity of the existing neighbouring properties.

#### Drainage

- 5.24 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. It is proposed that foul drainage will be connected to the mains system. Yorkshire Water have not raised any objection to this.
- 5.25 The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. The site lies within Flood Zone 1 so is considered to be at low risk of flooding.
- 5.26 Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner. The Flood Risk and Drainage Assessment submitted with the application indicates that the ground conditions are not suitable for soakaways. As there is no nearby watercourse it is proposed that surface water be connected to the existing public combined sewer in Main Street. The discharge rate will be restricted to 21L/sec using a hydrobrake flow control.
- 5.27 North Yorkshire County Council Lead Local Flood Authority and Yorkshire Water have not raised any concerns with the above proposals and recommend a condition requiring that the scheme be implemented in accordance with the Flood Risk and Drainage Assessment.

#### Highways

- 5.28 Local Plan policies IC1 and IC2 seek to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. The road serving the proposed development is to remain a private road and consequently the Local Highway Authority has no objections and recommends conditions.

- 5.29 Whilst the final comments of the Highways Authority are awaited it is understood that the response will include a recommendation that planning conditions are attached to any approval to control crossing of the footway, and require the timely layout of the site roads, parking and turning space.

#### Biodiversity

- 5.30 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity.
- 5.31 Much of the site is currently laid to hard standing with little opportunity for natural habitat. A tree survey submitted with the application records a Leyland Cypress tree on the northern boundary, a row of Horse Chestnut and a Spruce on the western boundary and an Ash and Leyland Cypress in the garden of the existing house. The proposal requires the removal of the Cypress on the northern boundary and the two trees in the garden of the existing house. The landscaping scheme indicates that five new trees will be planted, additionally gardens will be created for each of the dwellings. Given the level of hard standing at the site it is considered that this is sufficient at this stage to demonstrate that the development will achieve a net gain for biodiversity. It is recommended that a condition be imposed to secure the detailed demonstration of net gain.
- 5.32 With regard to protected species initial surveys for bats, found bats to be present in the old chapel building on site. Further surveys were required to ascertain whether the chapel hosts a roost. These were undertaken and it was found that whilst bats enter and leave the chapel there is no evidence of use as a roost. The Ecologist concluded therefore that subject to adherence to the demolition method statement outlined in their report no further action is required in relation to bats.

#### Planning Balance

- 5.33 The application seeks consent for the construction of 10 dwellings on a previously developed site. As the site is within the built form of the settlement the principle of development for housing is acceptable. The applicants have provided satisfactory evidence for a reduced provision of affordable housing.

### 6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to a planning obligation under s106 of the Act to secure the provision of a unit of affordable housing and the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered:  
Harby Floor Plan Y81:1220.10 Rev C received 18.10.2022  
Harby Floor Plan Y81:1220.12 Rev C received 18.10.2022  
Harby Elevation Y81:1220.13 Rev B received 18.05.2022  
Asenby Floor Plan Y81:1220.14 Rev C received 18.10.2022

Asenby Elevation Y81:1220.15 Rev B received 18.05.2022

Chatsworth Floor Plan Y81:1220.16 received 3.03.2022

Chatsworth Elevation Y81:1220.17 received 3.03.2022

Single Garage Y81:1220.18 received 3.03.2022

Layout Y81:1220.3 received 3.03.2022

unless otherwise approved in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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. The Development shall be built in accordance with the following submitted designs; Flood Risk and Drainage Assessment Alan Wood and Partners, JAG/CD/JD46220-Rp001, October 2021 received by Hambleton District Council on 25.11.2021.
5. The development shall only be carried out in accordance with the Remediation Strategy prepared by Alan Wood and Partners and received by Hambleton District Council on 27.01.2022. In accordance with Part 9 of the Remediation Strategy further investigative work shall be carried out and any required revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of above ground walling. If no revisions are necessary a validation report shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of above ground walling in accordance with Part 9 of the Remediation Strategy.
6. Prior to the clearance of the site, a management plan outlining how a net gain for biodiversity can be achieved through the implementation of the landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
7. A detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. 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.
8. Prior to construction of any building or regrading of land 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 and the

relationship to adjacent 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.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

The reasons for the above conditions 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 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.
3. 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 Local Plan Policies S1 and E1.
4. To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.
5. 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 in accordance with the Hambleton Local Plan Policy RM5.
6. To ensure the scheme leads to a biodiversity net gain, as per the requirements of policy E3.
7. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.
8. To ensure that the approved dwellings are built to an approved level and thereby safeguard the amenity of neighbouring property in accordance with Hambleton Local Plan Policies S1, E1 and E2.