

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 7
Application No: 12/00599/MOUT
Parish: Kirkbymoorside Town Council
Appn. Type: Outline Application Major
Applicant: Gladman Developments Ltd (Mr D Fisher)
Proposal: Development of up to 210 no. (Use Class C3) residential dwellings, 50 no. (Use Class C2) apartments with care for older people, the provision of expansion land to Kirkbymoorside Community Primary School (Use Class D1), landscape, open space, highway improvement works and associated works (site area 11.6ha)
Location: Land At Westfields Kirkbymoorside

Registration Date: 18 June 2012 **8/13 Week Expiry Date:** 17 September 2012
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	Object
Juliette Daniel (Head Of Extra Care)	Comments
Yorkshire Water Services	Recommend conditions
Highways North Yorkshire	Recommend conditions
Environmental Health Officer	Recommend condition
Sustainable Places Team (Yorkshire Area)	Recommend conditions
Archaeology Section	Geophysical Survey requested
Tree & Landscape Officer	Comments received
Countryside Officer	Requires further information re: impact on protected species _ habitats
Housing Services	Supports principle and meeting housing need and provision of affordable housing
North Yorkshire Education Authority	Contributions required
Mr Jim Shanks	Recommendations

Neighbour responses: R H F Dangar, J And D Oates, K And B Shutt, JA And B Paul, Mr And Mrs Richardson, Mrs Ann Grey, Mr And Mrs D Scott-Kestin, Mrs J Benson, D And K Alder, Claire Saunders, Richard Ward, E & F Youren, Brian Hewitt, L And K Rowntree, Ruth Saunders, S J Peters, Mrs GILLIAN KENT, Mr J Nicoll, Mrs Pauline Burton, Mr P Robins, Mr G Langdale, Mrs Ann Kneeshaw, W And W Henderson, Mrs A Fisher, Robin And Helen Biggins, C & H Magson, Jean Hutchinson, Miss P Lavan, Julie Cass, Miss Anita Bartram, M J Bowsher, Mrs J Fieldsend, Mr J Fieldsend, Helen Gundry, Mrs M Percival, M J Bowsher, C Wright, N And B Thompson, C Magson, J And T Watson, Meryl Sands, Mrs A Shutt, Deborah Golding, GB And JA Wood, G And J Kent, John Dean, Christine Field, Helen Gundry, Mr F

Youren,Mr Steve Peters,Heather Tweddle,Mr Brian Hewitt,Mr Steve Peters,Mrs Debbie Bayes,Marian Tierney,N Kirby,Mrs J B M Joslin,Miss Angela Kneeshaw,J And G Ward,Mr C G Humprey,Mr Michael Gray,Mr And Mrs W F Sherman,Mike And Andrea Cooper,Eva Henderson,
25 March 2013

Overall Expiry Date:

INTRODUCTION:

An appeal against the non-determination of the application has been made by the applicants. In such cases, the determination of the application is no longer within the jurisdiction of the Local Planning Authority and determination is made by the Secretary of State. A Public Inquiry has been scheduled for 2 days commencing on 4th September 2013.

The appellants have stated, within their 'Grounds of Appeal', the need for a Public Inquiry to discuss the following areas:-

- Housing land supply;
- Highway and transport;
- Landscape and visual impact;
- Urban design;
- Affordable housing; and
- Education.

This application is referred to Committee for Members confirmation of the deemed reasons for refusal of the proposal, which will form the basis of the Council's case on the appeal.

Members will note from the attached correspondence and email that the applicant confirmed that a number of issues were outstanding which they still had to action and provide additional information.

BACKGROUND:

Members will note that at the time of writing this report the applicant has submitted a further application for this development. However, the issues that were outstanding at the point the appeal for non-determination was made still have to be resolved. These issues consist of the following:-

- Landscape;
- Archaeology;
- Education Contribution;
- Affordable Housing;
- Extra Care Accommodation.

The above issues will be discussed within this report.

Members will also be aware that at the time of writing this report the Local Plan Strategy hearing sessions have resumed. Any updates will be reported in the late pages or within the updates at the committee meeting.

SITE:

The application site consists of 11.71 hectares of agricultural land located on a hillside which is situated outside of the 'saved' development limits of the town, as defined in the adopted Ryedale Local Plan 2002.

The site is bounded to the east by the existing residential area of West Pasture, Beech Drive and Poplar Avenue. Kirkdale Road (A170), Westfields Road and Kirkbymoorside County Primary School bound the southern site boundary. The site is located within an “Area of High Landscape Value” as defined on Inset Plan 2 of the Ryedale Local Plan 2002.

An existing Public Right of Way (PROW) crosses the northern part of the site which links Westfields Road with the countryside beyond the application site boundary. The south facing topography of the site rises from the south up to the north. The land beyond descends to the south into the Vale of Pickering and rises to the north towards the North Yorkshire Moors.

PROPOSAL:

Outline planning permission is sought for residential development and the provision of associated open space, the detailed particulars for the access are for consideration at this stage with all other matters reserved for the subsequent reserved matters application.

In terms of the proposed level of development, the applicant has indicated that the proposal will provide the following: -

- Up to 210 dwellings with a mix of 2 to 5 bedroom units, at a density of 20 – 35 dwellings per hectare;
- 0.45 hectares for a residential care facility;
- 4.26 hectares for “Green Infrastructure” consisting of structural landscaping, public open space, green corridors, balancing ponds and equipped children’s play space.

Whilst the application is outline, when the application was submitted it was accompanied by a series of technical reports which are listed below:-

- Planning Statement;
- Design & Access Statement;
- Landscape and Visual Assessment;
- Transport Assessment;
- Travel Plan;
- Ecological Appraisal;
- Flood risk Assessment
- Arboricultural Report; and
- Phase 1 Site Investigation Report.

93No. of local objections have already been received which can be viewed in full on the Council’s website. In view of the scale of this application and the extent and nature of local views received to date. Members visited the site on the 4th September 2012.

PLANNING HISTORY:

13/00342/MOUT: Development of up to 210no. (Use Class C3) residential dwellings, 50 no. (Use Class C2) apartments with care for older people, the provision of expansion land to Kirkbymoorside Community Primary School (Use Class D1), landscape, open space, highway improvement works and associated works (site area 11.6ha) – PENDING CONSIDERATION

PLANNING POLICY:

National Policy Guidance

- National Planning Policy Framework - March 2012

Achieving Sustainable Development

Presumption in favour of Sustainable Development

- Paragraphs 11, 12, 13, 14, 15 and 16

Core Principles

- Paragraph 17

Supply a Prosperous Rural Economy

- Paragraph 28

Delivering a wide choice of High Quality Homes

- Paragraphs 47, 49, 50, 55

Requiring Good Design

- Paragraph 57

Conserving and Enhancing the Natural Environment

- Paragraphs 109, 115, 116 and 118

Decision-Taking

- Paragraphs 186, 187, 196 and 197

Annex 1

- Paragraphs 210 - 216 (inclusive)

Ryedale Local Plan

Policy ENV7 – Landscaping

Policy H14 – Public open space in residential developments

Policy T3 – Access to the local highway network

Policy T7 – Parking

Policy U1 – Off-site sewerage infrastructure

Policy U2 – Availability of water supplies

Policy U3 – Surface water run-off

Policy U4 – Sewage disposal

Emerging Ryedale Local Plan Strategy

Policy SP1 – General Location of Development and Settlement Hierarchy

Policy SP2 – Delivery and Distribution of New Housing

Policy SP3 – Affordable Housing

Policy SP4 – Type and Mix of New Housing

Other Documents

The Council's 2011 Strategic Housing Market Assessment

Affordable Housing Policy (Adopted November 2004)

PUBLICITY:

A number of objections have been received from residents and the Town Council citing some or all of the following points:-

- The proposal does not include any provision for affordable houses;
- The development is too large;
- No adequate sewage provision;
- The site will flood;
- The proposal will create a precedent for other large development in the immediate area;
- Impact on Schools;
- No requirement exists for the proposal;
- Development on 'Greenfield' land is unacceptable;
- Insufficient provision for refuse collection;
- Lack of public transport;
- The site will take a number of years to complete; and
- The traffic assessment is incorrect.

APPRAISAL:

The main considerations in respect of this application are:-

- The principle of residential development;
- The siting, design, scale and layout of the proposed development;
- Housing Mix;
- Impact on amenities of adjacent properties and surrounding area;
- Highway safety and off-site improvements;
- Drainage;
- Flood Risk;
- Ground contaminants;
- Education contributions;
- Archaeology;
- Other Matters

Principle of Residential Development

The Local Plan Strategy is currently at a relatively advanced stage through its Examination. Under the provisions of the NPPF it can be afforded, as advanced emerging policy, some weight in the decision making process.

However, the degree of weight is tempered by the presence of unresolved representations, which raise concerns over the soundness of the Plan. In particular, the approach to housing in the Plan, including the overall amount of housing, continues to be subject to objections.

As already noted the Hearing Sessions have resumed and will be focusing on housing matters. This, however, provides a significant degree of uncertainty in the amount of weight that can be attributed to the emerging Plan at the present time.

It is considered, however, given the Inspector's Interim Report some weight can be attributed to the emerging plan, and it is a material condition in the decision making process.

The submitted Plan seeks to distribute development in Kirkbymoorside in the following way as a secondary focus for growth area:-

- Quantum: approximately 300 dwellings (10%);
- Size of Sites: small-medium sites;
- Location: predominantly to the north of the A170, and to the east and west of the town to avoid coalescence with Keldholme; and
- The Plan sets out that for Kirkbymoorside alongside the other market towns and Service Villages that allocation for housing land will be made adjacent to the built up area.

The emerging Plan is focused on reflecting the character of settlements and roles of places. The Vision refers to Kirkbymoorside remaining a ‘relatively small and busy local market town’ and reflecting this within the Spatial Strategy for Kirkbymoorside, the Plan outlines the intention of the Council to *“Support the town’s Local Service Centre role, protecting and providing facilities that contribute to this role... some housing and employment growth to address the requirements of the local community...”*

The 50 – 60 units of C2 extra care accommodation proposed is supported in the emerging Plan, which recognises that there is a need for the provision of new-build specialist accommodation for the elderly and those with health/mobility issues, with care provided as required. In particular, the proposal would seek to deliver such a scheme in one of the District’s market towns, and it is being considered as part of a larger site, these are identified as being important elements of delivery in the emerging Plan, concerning the delivery of a mix of homes to meet the profile of the District.

Paragraph 50 of the NPPF states:-

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”*

Whilst no details are been formally considered at this outline stage, the development will allow for a range within the housing mix thereby according with paragraph 50.

It is important for Members to note that until the allocations are made, this emerging Local Plan provides a strategic, indicative approach for considering housing schemes. The recently published annual housing monitoring demonstrates that the supply of land has dipped below 5 years supply of committed sites. The ‘saved’ Local Plan policies are prior to the 2004 Act, and are out of date. In this set of circumstances any proposal will need to be considered against paragraph 14 of the NPPF.

Paragraph 14 states:-

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

On the basis of the above, in considering this scheme against the emerging Plan, is whether the scale of the scheme is significantly and demonstrably contrary to the emerging Plan. It is over two thirds of the total allocation of housing proposed to Kirkbymoorside for a 15 year period, a sizable scheme in quantum and size of site for what is a modest market town.

It is considered, however, that given the Local Plan Strategy is indicative regarding the scale of sites, in policy principle terms the site is not significantly and demonstrably contrary to the overall strategy of the LPS.

The siting, design, scale and layout of the proposed development

The application is outline and seeks approval for the access only at this stage.

Whilst the proposal does not include the detailed design or layout of the proposed residential development, an illustrative master plan has been included within the submission.

The indicative plan provides a layout which pays due regard to the existing residential estate to the east. The eastern and western boundaries are shown to include additional planting to assist within the integration of the development.

It is considered that whilst the layout is only illustrative it provides a strong indication that the development can be readily accommodated on the site in a form that does not detract from the area as a whole.

Housing Mix

The proposal submitted is for up to 210 dwellings with a mix of 2 to 5 bedroom units, at a density of 20 – 35 dwellings.

With regard to the affordable housing requirement, the Council’s 2011 Strategic Housing Market Assessment (SHMA) indicates that Ryedale will be required to provide for a net annual affordable housing need of approximately 256 dwellings per annum over the next five years in order to both clear the existing waiting list backlog and meet future arising household need.

The SHMA represents key information and data at ward level, which is intended to assist in the implementation and development of affordable housing policies at a localised level. It is important, however, to recognise that housing need is likely to be representative at a housing market area scale as opposed to the ward scale.

Kirkbymoorside ward has a current housing need of 10 units and a total annual need of 6 units over the next five years.

The 2011 SHMA indicates that the proportional split in size of property required by households in need within Kirkbymoorside ward is 60% requiring one bed properties and 40% requiring three bed properties. This seems to reflect a shortfall in the current supply.

The proposal for 210 residential dwellings and 50 apartments with care for older people therefore the affordable element should be set at 35% of the overall scheme.

If the 50 apartments for older people are categorised as Category 2 properties these may be excluded from the provision of affordable housing. This being the case, then 35% of 210 would be an affordable housing contribution of 73.5 properties.

Due to the scale of the development, Housing Services would recommend a majority on site contribution and part off site contribution. This preference would be 60 units on site, which is based on the 2011 SHMA total annual need of 6 for the ward, and 13.5 which would be taken as an off site contribution. The 13.5 off site contribution would be determined through the open market value price of a scheme property less the transfer price of a similar property payable by a Registered Social Landlord.

The applicants are aware of the above and were involved in negotiations with RDC. However, they then decided to appeal and this issue remains unresolved.

In the absence of any confirmation in relation to this issue it is considered that the proposal conflicts with the strategy of both existing the Local Plan, emerging Local Plan and the NPPF.

Impact on amenities of adjacent properties and surrounding area

As already established the proposal does not include the detailed layout and design of the proposed properties therefore it is difficult to precisely determine whether the proposal will unduly impact on adjacent residential properties.

However, the indicative layout appears to illustrate that a sufficient separation distance is achievable between the proposed development and the existing residential properties to the east (West Pasture, Beech Drive and Poplar Avenue).

With regard to the impact of the proposed development on the surrounding area, concerns have been raised by objectors and Officers with regard the direct views into the site from the west.

Discussions were ongoing at the point the applicant chose to appeal for non-determination for the landscaping element of the development to be formally considered at the outline stage. The applicants had suggested that this could be conditioned but officers considered that a greater degree of certainty is required to be considered at the outline stage.

The landscape buffer, particularly the western buffer, is essential and required to integrate the development into the surrounding landscape. It also has the potential to 'soften' the hard urban edge of Kirkbymoorside which consists of an uncharacteristic 1960/1970's vernacular.

Highway safety and off-site improvements

The application proposes the construction of an estate road into the site with direct access onto Kirkdale Road.

The existing footpath (PROW) that links Snapes Wood to the west with West Pasture will be retained and incorporated into any further details.

The proposal includes a number of improvements to the highway network, including the provision of integrated cycle/walk routes into the scheme that will link the site to the town centre. The developer has also offered an improvement to the existing public transport infrastructure through the provision of two additional bus stops on the A170, close to the site entrance.

NYCC Highways have confirmed that the scheme is acceptable subject to the imposition of a number of conditions and the completion of a Section 106 Agreement requiring the improvements to the bus service (as discussed) and the funding applicants Travel Plan.

Whilst a number of objections have been received in relation to the impact on the public transport system, vehicular parking and the increased vehicles accessing the A170, it is considered in light of NYCC comments there are no sustainable reasons to refuse the application on highway grounds.

Drainage

Drainage has been raised locally, a serious concern to a number of residents, particularly those living close to the site with regard to surface water run-off. The Local Planning Authority has consulted Yorkshire Water in relation to the proposed development. Yorkshire Water has not objected to the development subject to the imposition of a number of conditions and informatives.

It is considered, therefore, that the concerns raised can not be sustained in this instance.

Flood Risk

A number of concerns have been received in relation to flooding, and that the site is susceptible to flooding. The Environment Agency has responded to the formal consultation stating that they have no objection subject to the imposition of a condition in relation to surface water drainage.

It is considered, therefore, that the concerns raised with regard to the potential flooding of the site can not be sustained in this instance

Education Contributions

The proposed development for up to 210 dwellings will undoubtedly increase the pressure on educational places, accommodation and facilities within the Kirkbymoorside area.

NYCC Education have been involved with the application through a number of discussions with regard to the provision of education spaces, and associated financial contributions, and the requirement for the future expansion of Kirkbymoorside County Primary School.

This issue remained unresolved at the time the appeal was lodged by the applicant. Therefore the impact on these facilities can not be mitigated and the proposal can not be supported in the absence of any formal agreement/requirement.

Archaeology

The application is located within an area that is 'rich' with archaeological deposits.

Section 12 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of available evidence and any necessary expertise. The applicant submitted a number of desk top study's to address the concerns raised by the County Council Archaeologist.

Members should again note that at the time the appeal was lodged that this issue had yet to be resolved in terms of the form and location of further study's/trial pits. This level of investigation was considered to be a requirement in order to record, and if necessary, remove any archaeological deposits.

In the absence of any formal agreement or formal consultation response for NYCC Archaeologists it is not possible to determine whether the development will have a detrimental impact on archaeological deposits.

Other Matters

A number of objections have been received in relation to the prolonged period of disruption that would be created by the proposed development in the local area. Whilst it is recognised that the construction phase of the development would cause a degree of disruption and inconvenience to local residents, this has to be expected with a development of this scale. In order to minimise the disruption to local residents as much as possible, conditions regarding a construction management scheme and permitted working hours could be imposed on any permission granted. However, it is important to ensure an appropriate balance between protection of residential amenity from the construction work and the need to deliver the housing as quickly as possible and therefore working hours must be reasonable to allow a scheme to progress within the shortest possible timeframe.

Conclusion

Members should note that whilst a number of objections have been received from residents in relation to the principle of the development, it is considered that the principle is acceptable. This is because of the presumption in favour of sustainable development contained in the National Planning Policy Framework; the diminished status of the 'saved' Local Plan policies; the lack of a 5 year housing supply and the uncertain position of the emerging Local Plan Strategy.

The concerns, with regard to the proposed development, are that this proposal for up to 210 residential dwellings and 50 apartments with care for older people does not demonstrate the provision of any affordable housing.

It will also create a situation where the school becomes land locked through the lack of sufficient land to facilitate the expansion of that facility and also the provision of a financial contribution is not confirmed.

The protection of archaeological deposits can not be assured as there has been no formal agreement, through the submission of acceptable details of a scheme of investigation.

Finally the development will create an unacceptable visual impact to the surrounding area through absence of any appropriate landscape details, particularly on the western edge of the site.

RECOMMENDATION: Refusal

- 1 The application has failed to provide the required level of affordable housing on the site. The absence of any formal agreement would fail to meet the needs of the area and would not deliver a sustainable and inclusive community.

The application is therefore considered to conflict with the Ryedale Local Plan Selective Alteration – Affordable Housing Policy (Adopted November 2004) and the policy contained in Section 6 of the National Planning Policy Framework.

- 2 Whilst the County Council have previously agreed that the area of land offered by the applicant will allow for the expansion of the school, it is not considered, that this area of land is sufficient to ensure that continued future expansion of the school. The application has also failed to provide the required level of financial contribution to ensure that adequate educational spaces are available if the application is approved.

The application is therefore considered to conflict with the policy contained in Section 8 of the National Planning Policy Framework.

- 3 The application has failed to demonstrate that there will be no adverse affect on any archaeological deposits. The absence of any formally approved investigation fails to comply with the provisions of Section 12 of the NPPF. This section requires that Local Planning Authorities identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of available evidence and any necessary expertise

- 4 Whilst the application includes an indicative landscape buffer to the boundaries of the site, particularly the western boundary, the details relating to this are limited and it is not clear whether the full extent of the of the land indicated would be deliverable.

In the absence of any agreed landscape details it is considered that the application conflicts with Policy ENV7 of the Ryedale Local Plan.

Background Papers:

Adopted Ryedale Local Plan 2002
Regional Spatial Strategy
National Planning Policy Framework
Responses from consultees and interested parties