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**PLANNING, DESIGN, ACCESS AND HERITAGE STATEMENT IN SUPPORT OF
PLANNING APPLICATION**

BY

Cicero Estates

FOR

Erection of 32 No. Dwellinghouses with Associated Access, Parking, and Public Open Space

AT

Land north of Wainds Field, Kirkbymoorside, Yorkshire YO62 6JG

PREPARED BY

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1.0 Introduction

- 1.1 The following statement is prepared in support of proposals for the development of the land for the purposes of housing and the erection of a scheme of 32 No. dwellings with associated access, parking, open space and landscaping.
- 1.2 The site at present stands vacant, having historically been utilised as an orchard and for agricultural purposes. The land has not been utilised for a significant period of time and sits vacant following the initial implementation of an earlier planning consent granted for residential development on the site. The land as a result stands previously developed; albeit the development which was commenced has not been completed, it could be carried out at any time following a lawful commencement having been made.
- 1.3 The Council should thus be well aware of the site and its planning history and thus its acceptability as a site for housing development. The site has sat on the Council's SHLAA for some time with the expectation that it would come forwards and be built out. This has not however occurred.
- 1.4 The Applicant is now seeking to propose a new scheme for the site, having regard for the significant changes in Local and National Planning policy since the time of the earlier application and to bring what is currently a redundant site within the settlement boundary forwards for development.
- 1.5 The application is prepared in Full, with all matters for the LPA's approval. The Appellant requests however that the Council seek to condition the submission of a detailed landscaping scheme pursuant to any grant of planning consent.
- 1.6 The following statement demonstrates thus that the proposals are acceptable in terms of their principle.
- 1.7 The statement provides a full description of the site and surrounding area and reasoned assessment of the development proposals in accordance with Local

and National policy requirements. The statement also provides the required detailed information in relation to design and access as required by Government guidance, culminating with a reasoned justification of why permission should be granted.

- 1.8 This statement demonstrates that the proposals are acceptable in all regards; the development is sustainable and there are numerous benefits in the public interest and no significant adverse impacts which, as per the direction of the National Planning Policy Framework, suggests that Planning Permission should be granted.

2.0 The Issues

- 2.1 From my analysis of the site, the proposals and planning history, bearing in mind the provisions of the Local Development Plan, National Policy and other material considerations, I consider the main issues to be:

- Whether the Council's housing policies are out of date
- The principle of the development of land outside of the defined settlement boundary;
- The impact of the proposals upon the character of the area and the pattern of development within the street scene;
- The impact of the development upon the amenity of established neighbouring uses;
- The bearing of the proposals upon the existing highways and encouraging sustainable transport;
- The impact of the development upon existing landscape features;
- Whether the site is subject to flood risk and how surface water drainage will be dealt with; and,
- The requirement for financial contributions.

- 2.2 Alongside this statement a series of other professional reports have been submitted. Where to be read alongside this statement this is cited in the text.

2.3 Within this statement reference is made to the following; appended to this document:

- AB1** Listing Description relating to Grade II listed Piercy House
- AB2** Listing Description relating to Grade II listed 28 Piercy End
- AB3** Listing Description relating to Grade II listed Windmill
- AB4** Approved Site Plan relating to Application Ref. 07/01133/MFUL

3.0 The Site and Surrounding Area and Heritage Appraisal

- 3.1 The application site lies within the service centre settlement of Kirkbymoorside and comprises an open gap between what is otherwise an established residential area.
- 3.2 The site is previously developed, with the previous grant of planning consent having been implemented on the site, this was not however completed. The site retains a verdant character therefore albeit with elements of built infrastructure running through it.
- 3.3 The site lies within an area north of the A170 which the Council has over a significant period of time promoted for residential development. Much of this land came forwards, including the application site, however this is the remaining parcel which has not yet been developed out.
- 3.4 The site is an oddly shaped parcel of land comprising parts of what were formerly three fields. The land slopes gently downwards from north to south and is completely enveloped by residential development with a limited area of road frontage on to the A170 at its southern end.
- 3.5 The existing development to the south at Wains Field was designed in a manner so as to provide an access directly through in to the application site. The intention being to continue the road link here and for this to serve as the access to what is effectively phase 2 of a wider development; albeit the two

are distinctly separate. This is indeed the existing and principal access in to the land parcel.

- 3.6 The site does not lie within any protected landscape or townscape designations and thus there are limited constraints upon it in physical terms.
- 3.7 To the east the site is bounded by residential properties with long narrow burgage plot style rear gardens; most notably those to the more historic properties along Piercy End to the east. The terraces of development fronting Piercy End include two listed buildings; (1) the Grade II listed Piercy House (comprising 30 and 32 Piercy End) and (2) Grade II listed 28 Piercy End.
- 3.8 The listing descriptions relating to both listed properties are appended to this statement at **AB1** and **AB2** respectively.
- 3.9 The listing description relating to Piercy House confirms that the property was once comprised of a dwellinghouse and related attached outbuilding. This is however now subdivided in to two dwellings. The building is of mid C18 origin and appears to have been subdivided in the C19. The building is comprised of sandstone walls set atop a rubble plinth with ashlar quoins and a pantile roof. The properties sit up against the public highway with their principal aspect fronting on to Piercy End. To the rear, each features a substantial garden, in excess of 65m in depth. There is a significant separation between the dwellings and the application site as a result.
- 3.10 Similarly, 28 Piercy End is a mid C18 dwellinghouse comprised of dressed sandstone and a pantile roof which appears to have been latterly altered. This property is listed separately from Piercy House for group value, it is of less importance in itself. The listed building is again positioned against the public highway with a long burgage plot style rear garden extending to in excess of 65m where it thereafter joins the application site.
- 3.11 To the north the site adjoins substantial rear gardens relating to residential properties fronting on to West End. Within this cluster of development there is a Grade II listed Windmill which sits in the rear garden of a property known as

Windmill Cottage. The cottage itself is not listed, however the Windmill is. The listing description relating to this structure is appended at **AB3**.

- 3.12 The Windmill dates from 1839 and is comprised of red-brick laid in English garden wall bond with a slate roof. The building stands over 5 storeys with a tapering roof standing beyond this. It is a fairly prominent structure as a result of its height; however, it is well screened by existing mature trees located to the north-eastern boundary of the site.
- 3.13 The site does not lie within the Conservation Area, but it does run contiguous to it with all of the properties fronting both West End and Piercy Lane, in the immediacy of the site, falling within the designation. Whilst the site does not therefore benefit from any special protection in this regard, it is necessary to have regard for the impact of any development proposed upon this designation.
- 3.14 To the south and west the site adjoins modern residential developments at Feversham Drive and Wainds Field respectively. Both are insular development of family dwellinghouses arranged in a cul-de-sac style arrangement. Further to the south, on the opposite side of the A170 lies further residential development, again set in a fairly modern estate.
- 3.15 The Council has adopted a Conservation Area Appraisal (CAA) relating to the Kirkbymoorside Conservation Area. The CAA identifies the pattern of development north and east of the application site as the key contributor to local character; comprising the pattern of development fronting West End and Piercy End respectively.
- 3.16 The character of the Conservation Area is derived from the continuous pattern of terraced development which fronts on to the street scene with limited relief and permeation providing access to land at the rear. These frontages make up the historic core of the settlement leading to the market Square. The CA includes the narrow burgage plots relating to the frontage buildings as characterising the historic plan form of the settlement.

- 3.17 It is this historic layout and positioning of buildings along with the plan form which are the key contributors to the Conservation Area in terms of both historical and evidential value. There is some aesthetic and architectural value contributed by the design and form of properties and their material specification comprising sandstone with rubblestone plinths and pantile roofs to more historic buildings. Most properties are laid with small blocks and rubble stone within only limited examples of dressed stonework.
- 3.18 The other factor contributing to local character is the width of the streets themselves, Piercy End comprising a narrower street at its southern end and thereafter opening out on approach to the market square, with a cobbled street. The widening of this street inviting use on market days with stalls spilling out from the main square. West End in comparison is narrow for its length and comprises a more intimate residential setting and a street which was not utilised for this market function.
- 3.19 The CAA goes in to details about the other individual character areas within the Kirkbymoorside Conservation Area, however these are not relevant to the application for the Council's consideration and thus it is not necessary to discuss this further.

4.0 Planning History

- 4.1 The lawful use of the land is for the purposes of residential development, following the lawful commencement of the previous planning consent. This development could be completed at any time, in accordance with the details of the planning consent, however there is no prospect of this taking place on account of the extant scheme not being viable.
- 4.2 The extant planning consent for the site was granted on 26th October 2009 under application ref. 07/01133/MFUL, following submission of the application to the Council on 11th December 2007.

- 4.3 The application was initially heard by the Ryedale District Council Planning Committee on 16th December 2008, the application was however deferred at this time by members with concerns raised in respect of the amount of affordable housing being secured and in respect of the access in to the site and impact upon the public highway network.
- 4.4 Further discussions were had between the Applicant and officers at this time and in respect of each matter further information was provided justifying the original position of the Applicants and the basis on which the application was originally brought before the planning committee.
- 4.5 The Council had requested that the development provide additional affordable housing, in excess of the 35% requirement required by its adopted policy. There was no justification for this in any manner. The Applicant submitted viability evidence to demonstrate that just below a policy compliant contribution could be delivered and thus offered 10 affordable units which were to be secured by way of s106 agreement. It would have been wholly unreasonable for the Council to have sought to depart from its adopted policy position in this respect.
- 4.6 In respect of the access in to the site, the Council requested that the Applicant relocate this to an adjoining estate road. As was made very clear to the Council there was a ransom strip between the application site and any potential access from Feversham Drive and the Applicant had no right of access across it hence there was no prospect that this could ever be brought forwards. It would have been wholly unreasonable for the Council to have refused the application on this basis.
- 4.7 In respect of the impact upon the public highway the Local Highways Authority confirmed that there was no objection to the scheme as proposed and that there was no case to mandate that access and parking be provided for the properties at Piercy End. There was again no justification for the Council to continue to maintain an objection on this ground.

- 4.8 The Council thereafter conceded on each of the issues raised and the scheme was approved as submitted without any significant amendment. The approved Site Plan relating to the scheme is appended at **AB4** for reference.
- 4.9 The Applicant discharged all of the relevant planning conditions and a lawful implementation of the development was carried out comprising the laying out of the access road and associated drainage works. The works carried out can be read clearly on site and as a result the planning consent remains live and could be completed at any time.
- 4.10 There has been a significant passage of time since the scheme was implemented, but it has not been completed. The scheme is subject of significant viability issues and it is unrealistic that this will be completed in its current format.
- 4.11 There is no other planning history of particular relevance to the application now before the Council.
- 4.12 There has been no fundamental change in local planning policy since this time, with the allocation of the land for housing remaining saved and the extant planning permission remaining a significant material consideration in the determination of any new application. The principle of development has been well established and thus it is only the detailed matters which require express consideration.

5.0 The Proposals

- 5.1 The Applicant is seeking consent to comprehensively develop the site through the erection of 32 No. dwellinghouses with associated private garden amenity spaces and parking, laid out about a single shared access from Wainds Field.
- 5.2 The proposed scheme comprises a sustainable mix of 2, 3 and 4-bedroom dwellinghouses which is considered to best adhere to local housing needs. The dwellings are of generous proportions and features good sized garden

amenity spaces which are more than sufficient to meet the day to day recreational needs of these properties.

- 5.3 The Applicant has provided full details of the design and elevational treatment of these properties; whilst there is some standardisation in house types across the site, changes in detailing and material finish will ensure variety and a high-quality development which contributes positively to local character and respects the local vernacular.
- 5.4 The layout which has been submitted proposes a mix of 32 terraced, semi-detached and detached dwellinghouses standing at varying heights comprising dwellinghouses standing between 2 storey and 2 ½ storeys to their ridge. The proposed scheme comprises:
- 4 No. terraced 3-bedroom two storey dwellinghouses; - A
 - 8 No. semi-detached 3-bedroom two storey dwellinghouses; - A
 - 3 No. terraced 4 bedroom 2 ½ storey dwellinghouses; - B
 - 6 No. semi-detached 4 bedroom 2 ½ storey dwellinghouses; - B
 - 1 No. detached 4 bedroom 2 ½ storey dwellinghouse; - B
 - 2 No. terraced 2-bedroom 2 storey dwellinghouses - C
 - 3 No. detached 4 bedroom 2 ½ storey dwellinghouses; - D
 - 3 No. detached 4-bedroom 2 storey dwellinghouses; - E
 - 2 No. detached 4-bedroom 2 storey dwellinghouses; - F
- 5.5 There is more than sufficient space on site to accommodate the quantum of development proposed including a level of parking to meet the needs of residents and appropriate landscaping and open space; to ensure the development positively integrates in to the area.
- 5.6 The scheme proposed is quite apparent on the submitted plans and will deliver a development which relates positively to its context and the site constraints. The design forms are consistent with the local pattern of development and appropriate matching materials will be employed to successfully assimilate the scheme in to the established residential area.

6.0 The Development Plan

- 6.1 The Local Development Framework is comprised of the Ryedale District Local Plan Strategy (2012), the saved policies of the Ryedale Local Plan (2002) and the additional guidance set out within the Council's Supplementary Planning Documents (SPDs).
- 6.2 The Ryedale Local Plan Strategy (LPS) sets out the framework for development within the plan area for the 15-year period from 2012 to 2027. The plan sits alongside those policies of the Ryedale Local Plan which remain saved.
- 6.3 Policy SP1 of the LPS provides the settlement hierarchy in accordance with which development within the district is proposed to be directed.
- 6.4 Kirkbymoorside is considered a Local Service Centre settlement which is capable of supporting growth and forms one of the secondary focal settlements behind the principle towns of Malton and Norton. The main settlements are to accommodate the largest share of growth. The Council has made clear a priority to direct development to brownfield sites where possible, with development otherwise to come forwards in accordance with settlement boundaries in preference to the open countryside.
- 6.5 Kirkbymoorside specifically is noted to be suitable for accommodating high and medium density residential uses, particularly in infilling existing gaps within the settlement boundary. The preference being for family housing; however, it is noted that the needs of the ageing population need also to be addressed.
- 6.6 Policy SP2 sets out in more detail how housing will be delivered within the plan period and sets an overarching requirement of at least 3000 homes. The policy proposals approximately 300 homes for Kirkbymoorside to be delivered within the current settlement boundary.
- 6.7 Policy SP3 provides the Council's approach to the delivery of affordable housing. The Council's policy directs that 35% of new dwellings should be

delivered as affordable housing. The Council has sought to impose a threshold of 5 units or 0.2ha. The plan is however significantly aged and thus the direction of the National Planning Policy Framework supersedes this position in imposing a major development threshold for the delivery of affordable housing. The Council does not seek to direct the precise size, type or tenure of the affordable units, stating rather that this should meet needs within the locality. The Council recognises that in some cases off-site provision will be justified particularly where there are issues in respect of delivery on-site.

- 6.8 Policy SP12 sets out the Council's approach to the historic environment. The policy falls in line with the NPPF in respect of seeking to preserve and enhance heritage assets where possible and to resist substantial harm of loss in all but wholly exceptional circumstances. Where less than substantial harm would arise the public benefits of the proposal should be weighed against any harm.
- 6.9 Policy SP14 states that proposals which would have an adverse impact upon protected species or to a protected site will be considered against the level of statutory protection afforded to it. Where there would be significant harm or loss of important habitats or species permission will only be granted where it can be demonstrated that there is a need for the development in that location and that the benefits of the development outweigh the loss and harm caused.
- 6.10 Policy SP16 sets out the Council's approach to design. Proposals will be expected to create high quality places that are accessible and well-integrated with their surroundings to reinforce local distinctiveness, provide accessible communities and promote amenity and well-being. The policy places particular focus on ensuring that the locating, siting, form, layout scale and design of development should reflect its context and local distinctiveness.
- 6.11 Policy SP19 acknowledges the presumption in favour of sustainable development advocated by the Framework and states that the Council should take a positive approach to the determination of applications.
- 6.12 Policy SP20 is the Council's generic development management policy which seeks to deal with considerations to be made in the determination of

applications for development including; character, design, amenity and access and parking. These are all standardised considerations in the determination of any application for built development.

- 6.13 Policy SP22 of the LPS sets out the Council's approach to developer contributions. The Council has adopted a CIL charging schedule and thus contributions to infrastructure shall be gathered through this vehicle. Site or development specific contributions can still be secured where they are reasonably related to the development being applied for any necessary in order to render the development acceptable. Such contributions would need to meet the tests of the Community Infrastructure Levy Regulations (2010) in respect of the restrictions on pooling of contributions.
- 6.14 There are a small collection of policies which remain saved within the Ryedale Local Plan (2002). These policies are significantly aged, but were not replaced by the Local Plan Strategy (LPS) and thus are still of relevance. The weight to be attributed to these policies must be considered in accordance with their degree of compliance with the NPPF, it is however appropriate to still attribute weight to these where they do no conflict with up to date policy considerations.
- 6.15 Policy H5 of the Local Plan (2002) is a historic housing allocation policy relating to land at Feversham Drive, Kirkbymoorside. The land subject of this application includes the two parcels identified within this policy and thus remains allocated for the purposes of housing development.
- 6.16 The principle of the development is thus well established and is not a matter which needs to be discussed in detail as part of this application.
- 6.17 Paragraph 5.4.4.3 of the Local Plan explains the context behind this allocation and the housing which has been delivered around it. the allocation was intended to come forwards as one singular development of 1.7ha of land north of the A170, however this did not occur. Policy H5 was formed in order to seek the delivery of the remainder of the land stating that the site should deliver the 0.08ha of POS remaining from the wider allocation and 4 affordable houses. The weight to be attributed to these points, given the passage of time and the

fact that the allocation does not apply to the entirety of the site area being applied for, is considered to be limited. The site should be considered against more up to date policy considerations in this regard. The point however remains that there is no issue with the principle of development.

- 6.18 The Council's current adopted policies map confirms that this site remains an allocated site; relating to Policy SD1, which has been transferred forwards from the earlier local plan to the 2012 LDS. The site remains therefore a formal allocation and again there is no issue with the principle of the development as a result.
- 6.19 There are no other policies or Supplementary Planning Documents of relevance to the proposals.

7.0 National Planning Policy Framework

- 7.1 The Government has now released the new National Planning Policy Framework (2018), which came in to force; in replacement of the NPPF (2012), on 24th July 2018. The Government is in the process of updating Planning Practice Guidance to reflect the changes made to the Framework.
- 7.2 The NPPF explains (at paragraph 7) that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 explains that there are three overlapping dimensions to sustainable development:
- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - A social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be

provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.3 Paragraph 9 provides clarification that the three objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework; however, they are not criteria against which every decision can or should be judged.

7.4 Policies and decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

7.5 Paragraph 11 of the NPPF states clearly that plans and decisions should apply a presumption in favour of sustainable development.

7.6 In respect of decision making Paragraph 11 confirms that LPAs should approve proposals which accord with the development plan without delay; or, where a development plan is absent, silent or relevant policies are out of date, planning 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 framework taken as a whole; or the specific policies listed at *Footnote 6* provide a clear reason for refusing the development proposed.

7.7 Paragraph 11 therefore infers that where a development plan is silent, absent or policies are out of date, planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits. This

includes weighing those specific policies mentioned at Footnote 6 as part of the balancing exercise and not separate to it. The 'tilted balance' is of particular relevance to this application; made in the context of the Council's absence of a 5-year housing land supply.

- 7.8 Whilst the presumption in favour of sustainable development is now set out at Paragraph 11 of the new Framework, the function and wording of the policy has not changed in any fundamental manner. The inference remains the same, however clarity has been provided over the list of exceptions set out at Footnote 6, which now represents a closed list.
- 7.9 It is still relevant therefore to have regard to the correct application and interpretation of this policy. When this policy took the form of Paragraph 14 of the NPPF (2012), this matter was presided over by the Supreme Court in *Hopkins*¹. The judgement confirmed that once one was in a position where Paragraph 14 applied then the decision maker must weigh all considerations in the planning balance, with the presumption in favour of granting planning permission (the tilted balance) unless material considerations indicate otherwise; this includes whether other policies in the framework indicate that development should be restricted and those policies of the NPPF and Local Development Plan referred to by what was then Footnote 9 (now Footnote 6). The point is that these policies do not override the need to consider the presumption in favour of development but are however in principle capable of significantly and demonstrably outweighing the benefits in the planning balance, assessed on a case specific basis.
- 7.10 The application of Paragraph 11 should therefore continue to follow the direction of the Supreme Court's judgement.
- 7.11 Paragraph 12 confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

¹ Suffolk Coastal District Council v Hopkins Homes Ltd and Another and Richborough Estates and Another v Cheshire East Borough Council [2017] UKSC 37

LPAs can however depart from an up to date plan if material considerations in a particular case indicate that the development should be allowed.

- 7.12 Section 4 of the NPPF sets out the Government's direction on the approach which LPAs should take to decision making and the value of early and proactive engagement where possible in order to resolve issues at an early stage.
- 7.13 Paragraph 38 of the NPPF states that LPAs should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to work proactively with Applicants to secure development which will improve the economic, social and environmental conditions of the area; development which is sustainable should be approved.
- 7.14 Paragraph 47 confirms the requirement in planning law for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions should be made as quickly as possible within statutory timescales unless a longer period has been agreed with the Applicant.
- 7.15 Paragraph 55 states that planning conditions should be kept to a minimum and only imposed where they meet the relevant tests, as defined by the Planning Practice Guidance. Agreeing conditions early is beneficial to all parties in the process and can speed up decision making. The policy reconfirms the updated of the Town and Country Planning Act 1990 which require that LPAs seek written agreement from Applicants to pre-commencement conditions before these are imposed. The policy directs that there should be avoided unless there is clear justification.
- 7.16 Section 5 of the NPPF provides the Government's approach to the delivery of a sufficient supply of housing.
- 7.17 Paragraph 59 requires that, in order to support the Governmental objective of significantly boosting the supply of homes, sufficient amount and variety of land comes forwards where it is needed so that the needs of groups with specific

housing requirements are addressed and that land which has permission is developed without delay.

- 7.18 Paragraph 64 states that where major development involving the provision of housing is propose, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 7.19 Paragraph 68 acknowledges the important contribution that small and medium sized sites can make to meeting the housing requirement of an area and are often built out relatively quickly. Councils are advised to support the development of windfall sites through their decisions.
- 7.20 Paragraph 73 makes clear that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. LPAs should identify and update annually a specific supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than 5 years old; which should include the appropriate buffer.
- 7.21 Paragraph 75 states that in order to maintain the supply of housing, LPAs should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the LPA's housing requirement over the previous 3 years the authority should prepare an action plan in line with national planning guidance.
- 7.22 Paragraph 78 is clear that to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there

are groups of smaller settlement, development in one village may support services in a village nearby.

- 7.23 Section 8 of the NPPF provides the Government's approach to promoting healthy and safe communities.
- 7.24 Paragraph 91 states that policies and decisions should aim to achieve healthy, inclusive communities and safe spaces, including promoting social interaction through design, enabling and supporting healthy lifestyles and ensure developments are safe and accessible.
- 7.25 Paragraph 92 states that to provide the social, recreational and cultural facilities and services that the community needs, policies and decisions should (a) plan positively for the provision and use of shared spaces, community facilities and other services to enhance the sustainability of communities and residential environments, and (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities.
- 7.26 Paragraph 96 makes clear that access to a network of high-quality open spaces and opportunities for sport and recreation is important for the health and wellbeing of communities.
- 7.27 Paragraph 98 indicates that policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for uses.
- 7.28 Section 9 of the NPPF provides the Government's approach to promoting sustainable transport.
- 7.29 Paragraph 102 suggests that transport issues should be considered at the earliest stage of plan making and development proposals to ensure that impacts of development on transport networks can be addressed and opportunities to promote walking, cycling and public transport can be identified and pursued. Paragraph 103 continues that the planning system should actively manage patterns of growth in support of these objectives. Significant

growth should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering choice of transport. However, opportunities to maximise sustainable transport modes will vary between urban and rural locations and this should be taken in to account in plan making and decision taking.

- 7.30 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.31 Section 11 of the NPPF makes clear the need to make efficient use of land.
- 7.32 Paragraph 117 requires policies and decisions to promote the effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.33 Paragraph 118 indicates that policies and decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains, such as developments which improve public access to the countryside.
- 7.34 Paragraph 122 indicates that policies and decisions should support development that makes efficient use of land, taking in to account (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; (d) the desirability of maintaining an area's prevailing character and setting, and (e) the importance of securing well-designed, attractive and healthy places.
- 7.35 Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

- 7.36 Section 12 of the NPPF sets out the policy approach for achieving well-designed places.
- 7.37 Paragraph 124 indicates that the creation of high-quality buildings and places is fundamental to planning and development. Good design is a key aspect of sustainable development.
- 7.38 Paragraph 127 reinforces that policies and decisions should ensure that developments will (a) function well and add to the overall quality of the area, not just for the short term, but for their lifetime, (b) are visually attractive as a result of good architecture, layout and appropriate landscaping, (c) are sympathetic to character and history, without stifling innovation or change (d) establish a strong sense of place, (e) optimise the potential of the site in terms of the amount and mix of development and (f) create places that are safe, inclusive and accessible.
- 7.39 Paragraph 130 indicates that permission should be refused for poor design that fails to take account of opportunities for improving the character and quality of an area and the way it functions; having regard for local design standards and SPDs. Where the design of development accords with the expectation of policies, design should not be used as a valid reason to object to development.
- 7.40 Section 15 of the NPPF sets out the policy approach to conserve and enhance the natural environment.
- 7.41 Paragraph 172 is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and AONBs which have the highest status of protection in relation to these issues. Conservation and enhancement of wildlife and cultural heritage are also important in these locations.
- 7.42 Paragraph 175 states that when determining applications LPAs should apply the following principles (a) if significant harm to biodiversity would result from development which cannot be mitigated or compensated permission should be

refused, and (d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where delivering net gains.

- 7.43 Paragraph 178 indicates that policies and decisions should ensure that sites are suitable for their proposed use taking account of ground conditions arising from land stability and contamination; ensuring adequate investigation and information is prepared by competent persons to inform assessments.

8.0 Planning Considerations

- 8.1 Planning legislation requires that planning applications and appeals must be determined in accordance with the Development Plan unless material considerations indicate otherwise or the policies contained within the plan are inconsistent with the provisions of the NPPF.
- 8.2 Additionally, if the relevant policies are considered out of date, for whatever reason, then the second bullet point of Paragraph 11 of the National Planning Policy Framework (2018) becomes engaged and planning permission can be granted unless there are adverse impacts and only then if these are such that they significantly and demonstrably outweigh the benefits of the proposals.
- 8.3 As such the Local Plan is therefore the starting point for decision making. Proposed development which accords with an up to date Development Plan should be approved without delay. Proposals need to be assessed against the Development Plan as a whole. If proposals accord with the majority of policies but there is friction with others, then the Council must consider what weight is to be attached to the various objectives and policies to which the proposals accord and to the features that cause friction with others. Notwithstanding this, if any infringement of policy, minor or otherwise, can be offset by the use of other measures then these should be used rather than a refusal of planning permission which could otherwise have been allowed. Clearly it is up to the decision maker what weight needs to be attached to particular matters; the

decision maker will however have to demonstrate that their approach is well considered, justified and reasonable in all other respects.

Principle of the Development

- 8.4 The application before the Council seeks consent to develop a parcel of land for residential purposes which is formally allocated for residential purposes within the Local Plan Strategy (LPS). There is therefore as a matter of fact no issue with the principle of the development and proposed use.
- 8.5 The scheme before the Council seeks consent to erect 32 dwellinghouses of a mix of size and tenure. The housing mix is focussed in the main towards family housing with a range of 2, 3 and 4 bedroom dwellings which accords with the requirements of Policy SP1 of the LDS which seeks to direct the distribution of development.
- 8.6 There is no specific policy direction determining what is expected to be delivered from the site. The former Ryedale Local Plan (2002) sought the delivery of approximately 27 dwellings from part of the site; however, this did not reflect the allocation of the site in its entirety. With little policy direction on this matter the Applicant has sought to deliver a scheme which makes best and most effective use of the site in accordance with the direction of Paragraph 122 of the NPPF.
- 8.7 The Council will be well aware that it has previously granted planning consent on the site for 29 units. This was lawfully commenced on site and remains live and could be completed at any time. The Council will also be aware however that the site has stood in this state of partial implementation for a significant period of time with no clear intention to come forwards and complete the development. The scheme which was implemented is not financially viable and there is no intention at this time to complete this. The scheme now before the Council seeks to remedy this position in increasing the number of units and alongside this the Applicant is seeking to enter in to discussions with the Council on Viability. This matter will be discussed latterly in this statement.

- 8.8 This site has long stood vacant and the Council should thus now be expressly supportive of proposals which will see this built out and new family housing delivered in a sustainable location.

Impact upon the Character of the Area and Landscape

- 8.9 The application site comprises a group of three fields which have long been allocated for the purposes of housing development within the Local Development plan. The fields comprise at present an odd gap within what is otherwise a developed area of firmly residential character.
- 8.10 The Council has previously granted planning consent to develop the site for residential purposes comprising 29 dwellings. The scheme now before the Council seeks consent for 32 dwellings, however the fundamental layout of the site has not materially changed.
- 8.11 As part of the implementation of the earlier planning consent the roadways were laid, and initial drainage works undertaken. The established built form of this commencement is clearly seen on site and its prevailing character is one of an uncompleted development.
- 8.12 This is a previously developed site within the existing developed area of the settlement and the extant consent could be completed at any time. The proposals should therefore be considered against the starting point of the existing planning consent and not as undeveloped fields. They clearly now have a previously developed character with the operational development works which have taken place.

Layout

- 8.13 The layout of the scheme now proposed has been largely directed by the previous approval and the road works which have been laid out on the site. In terms of the general arrangement of built form across the site there is no significant difference between what was previously approved and what is now applied for. The changes are really limited to minor modifications to the position and footprint of buildings on plots and the subdivision of some larger plots to

provide additional units. In terms of the overall amount of built form and the bearing upon its context, the two schemes are not materially different.

- 8.14 The Applicant has carefully considered the relationship with neighbouring properties and where appropriate repositioned buildings to provide greater separation from them to enhance amenity relationships in respect of the approved scheme. This is most notable to plots 24 and 25 at the north-western corner of the site where the dwellings and their associated garage outbuildings have been moved away from the western boundary to provide a better relationship with the dwellings at Feversham Drive.
- 8.15 The Council raised no issue with the layout of the earlier scheme in granting consent and there is no reason to dissent from that position now. There has been no material change in the circumstances of the properties surrounding the site since the time of the earlier application and no material change in the direction of the Council's policies which still require appropriate consideration to be given for context and local character and all other standard development management considerations.
- 8.16 The layout remains largely as approved with appropriate improvements made where necessary and in order to accommodate the additional dwellings now proposed. Each property has an appropriate policy compliant parking provision, having regard for the North Yorkshire County Council inter-rim standards and features suitably proportioned amenity space provision. There will be no unacceptable harm arising from the layout of the development when considered against the Council's design policies SP16 and SP20 and the NPPF.

Scale, Massing and Design

- 8.17 The scheme now before the Council has had appropriate regard for the existing pattern of development at Wains Field, which is a well-articulated and appropriately designed development, taking account of local character in terms of material specification and design cues.

- 8.18 The scheme before the Council has sought to pick up on the design detailing of these properties and proposed appropriately articulated houses with reconstituted stone cills, arched and soldier course brickwork headers, brickwork banding, pitched and lean-to style porches and brickwork chimney stacks.
- 8.19 The material specification comprises brickwork and render to the walls, clay tiles to the roof and timber and reconstituted stone detailing; as discussed above, with UPVC fenestration.
- 8.20 The dwellings will have a high-quality appearance as the submitted plans show and will contribute positively to local distinctiveness and provide an appropriate development in its position adjoining the Conservation Area boundary.
- 8.21 In terms of scale and massing the scheme proposes a mix of 2 and 2 ½ storey dwellings which accords with the prevailing pattern of development in the locality. The scheme will deliver well-proportioned family dwellinghouses which are appropriate for the local market.
- 8.22 The scale and massing of the development is not materially different to that which was previously approved by the Council. However, there are significant improvements in the design which represent a betterment over and above the approved scheme.
- 8.23 The scheme will retain a sense of openness within the street scene with properties set back from the public highway with modest defensible private frontages, facilitating soft landscaping and planting each property also has a private garden amenity space which will meet day to day recreational needs of residents.

Summary

- 8.24 There is no reason for the Council to come to a different view in respect of this application than it reached at the time of the previous approval. The proposals represent an improvement over and above the previous scheme in design and layout terms and will provide an additional 3 No dwellinghouses; 32 in total.

There are no grounds, in respect of character to object to the application which is well considered and justified and accords with Policies SP16 and SP20 and the NPPF in delivering high quality design in a sustainable location which will deliver a positive and accessible neighbourhood.

Impact upon Heritage Assets

- 8.25 The starting point for the consideration of any impact upon the designated heritage assets in the vicinity of the application site is the significant material consideration of the existing implemented planning consent for 29 dwellings which could be completed at any time.
- 8.26 The Council in determining the previous application will have had regard for the impacts upon these assets and there were determined to be acceptable and not give rise to harm. For the purposes of completeness further assessment is undertaken below, however it is noted that there is no significant difference between the scheme approved by the Council and that now proposed by the Applicant having regard for layout or extent of the development proposed that there will be any significant or material change in impact.
- Piercy House (30 and 32) and 28 Piercy End
- 8.27 The properties 28 Piercy End and 30 and 32 Piercy End (Piercy House) form part of the terrace of development fronting on to Piercy End. The properties feature gardens of significant depth which back on to the application site. The gardens are long and narrow in form typical of historic burgage plots and extend for approximately 65m from the rear of the properties. The separation distance between these buildings and the development now proposed is substantial. The significance of these dwellings is held in their architectural value and historical position on a main road leading up towards the market place centre of the settlement. The buildings bear little relationship with the fields to the west, comprising the application site and have no historical or functional ties to it.
- 8.28 The heritage assets are experienced from Piercy End, through their principal elevations fronting on to it and relationship with one another as a group and

the rest of the residential buildings which line the street scene. They are not read from the rear in any manner and besides their garden curtilages which remain unchanged, there is no real contribution made to their significance or setting from the west.

- 8.29 It is not considered that the development of the application site will have any material impact upon the setting or importance of these listed buildings and having regard for the material fall-back position of the extant consent, which is not substantially different to that now proposed, there will be no harm in accordance with Section 16 of the NPPF and Policy SP12 of the LDS.

Grade II Listed Windmill

- 8.30 The area of land immediately north of the A170 has over time been developed out for residential purposes in accordance with the Council's strategic allocations and as an infill pattern of development within the defined settlement boundary of Kirkbymoorside. The context to this listed structure is very firmly residential in character; it being located to the rear of a dwellinghouse and behind an established row of residential development fronting on to West End. The immediate setting of this structure is thus well defined and has evolved over time from a more open context to one in which the structure lies firmly within the developed area.
- 8.31 The extent to which this building is appreciated in public views is limited, it is not apparent in any manner from West End due to the firmly terraced nature of the pattern of development here with little relief. The building is also un-read from the public forum of the Market Place and from Piercy End to the north-east and east respectively for the same reason. There are glimpsed views of the building from the south from the A170, from Feversham Drive and Wainds Field, however these are not significant. The Windmill retains a setting of open paddocks immediately surrounding it and it is in this context and the pattern of residential development that surrounds it that it is experienced and read.
- 8.32 The Council has already granted consent for the development of this site for residential purposes and in doing so had regard for any impact upon the setting and importance of this structure. It is not considered that the proposals now

before the Council will have any material impact upon the identified interest or significance of the heritage asset and will result in negligible harm to its setting having regard for the established pattern of development surrounding the structure being firmly residential in nature and much more closely related to it and the material fall-back position of the existing implemented planning consent on the site.

- 8.33 There will be no harm, in accordance with Section 16 of the NPPF and SP12 of the Local Plan Strategy (2012).

Kirkbymoorside Conservation Area

- 8.34 The application site lies outside of the Conservation Area but contiguous to it. The site has been designated for residential development in successive plans on the basis that it comprises an open gap within the settlement boundary surrounded by residential development.
- 8.35 The key characteristics of the Conservation Area, as defined by the CAA and discussed at *Section 3* of this statement, are the narrow plot widths and continuous terraces of development which front on to West End to the north and Piercy End to the east. The Conservation Area was drawn in order to protect this historic pattern of burgage plots and plan form of the town in addition to the buildings which address the street scene.
- 8.36 The development of the application site will not prejudice the noted importance of the Conservation Area, this will be preserved. The setting of the CA is firmly comprised of more modern residential developments as the settlement has grown and these are firmly part of the local character. The Council in designating the site for housing development, along with the neighbouring land north of the A170, considered that this would not be prejudicial to the value of the CA or its setting and thus that there would not be unacceptable harm.
- 8.37 Having regard for the established grant of planning consent and the Framework, it is considered that the proposed development will have a negligible impact upon the importance and setting of the Conservation Area.

Summary

- 8.38 The proposed development will deliver the significant public benefit of additional housing and the delivery of a site which has long stood partially developed against negligible harm to the noted heritage assets and thus there is no reason to object to the development on heritage grounds in accordance with the direction of the Framework and Policy SP12 of the LDS.

Impact upon Neighbour Amenity

- 8.39 The scheme now before the Council is not materially different to that which the Council previously determined in terms of the layout of quantum of development proposed on the site. The Council previously raised no concerns with the relationship between the development and the neighbouring properties. Whilst this is the case, the impact of the scheme now proposed has been assessed in full to determine whether it would give rise to unacceptable relationships with neighbours.
- 8.40 The site layout provides 32 dwellings arranged in good sized plots with adequate separation distance between each such that there will be no unacceptable harm to the residential amenity or living conditions of future residents.
- 8.41 The specific potential impacts upon neighbouring properties are assessed within the ensuing paragraphs.

Wains Field

- 8.42 The properties at Wains Field, Nos. 1-7, comprise a group of four detached and link detached dwellinghouses immediately south of the site which are orientated east-west with their rear elevations backing on to the application site.
- 8.43 There has been little change in the layout of the site in respect of the 6 properties proposed at its southern extent; comprising two pairs of detached properties; units 28-31 and two detached dwellinghouses; units 27 and 32.

8.44 Units 28-31 are orientated north-south with rear gardens towards the A170; there will be no direct patterns of overlooking between this group and the properties at Wainds Field and thus no harm to privacy. The flank elevation of unit 31 faces towards the shared boundary with the properties at Wainds Field and is located in excess of 7m from the boundary; more than sufficient distance to ensure that there is no overbearing presence and to preserve the quality of outlook and light to this property. There will be no harm in this regard and indeed this is no different to the approved scheme.

8.45 Unit 32 has been moved away from the boundary with 7 Wainds Field and provides a more appropriate separation distance here with the dwelling standing 5 m away from the shared boundary with an intervening single storey garage outbuilding. The proposals represent an enhancement to the approved relationship in this regard and will not amount to any unacceptable harm as a result. The property is again orientated north-south and thus there will be no direct pattern of overlooking and no harm to privacy.

4 Wainds Field and Neville Walk

8.46 The properties 4 Wainds Field and 2-11 Neville Walk are located immediately south of the application site. Nos. 2-8 Neville Walk orientated north-south and facing towards the site and 4 Wainds Field and 9011 Neville Walk orientated east-west with their principal elevations facing westwards.

8.47 Between these existing properties and the application site lies a small area of land which has been provided as a children's play area and a landscaped buffer strip. The proposals seek to erect a terrace of 6 dwellings facing in to Neville Walk beyond this buffer strip.

8.48 The separation distances between the proposed terrace and the existing properties at Neville Walk is in excess of 22m, more than is typical of a facing relationship in a typical residential street and thus there will be no harm to residential amenity as a result. The relationship with 4 Wainds Field is closer, with a building to building separation distance of approximately 13.5m however this is not a direct facing relationship but rather between the front of the proposed terrace and flank elevation of 4 Wainds Field, there are no issues in

respect of overbearing of loss of outlook. There are no windows within the flank elevation of this property and the separation distance is more than sufficient, from front facing windows so as not to give rise to any unacceptable harm by virtue of overlooking and loss of privacy.

Feversham Drive

- 8.49 The properties at Feversham Drive are located immediately west of the application site. The access road serving this close of development is arranged against the mutual boundary with the application site with dwellinghouses in the main addressing this on its western side. There are however two properties of more diminishing scale, 2 and 16 Feversham Drive, located on the eastern side of it.
- 8.50 The property 2 Feversham Drive is a single storey bungalow orientated west-south with its principal elevation facing westwards towards Feversham Drive and its main garden amenity space to the south. The property features only a single glazed opening on its east facing elevation which is obscure glazed and appears therefore to serve a bathroom.
- 8.51 The proposed units 28-29 are a pair of semi-detached two storey dwellings. The flank elevation of unit 28 faces on to the shared boundary with 2 Feversham Drive at a separation distance of just over 6m. This is more than sufficient distance to ensure no overbearing relationship and no loss of light or outlook. As mentioned, there is only a single obscure glazed on opening in the east facing façade of this property in any event and units 28 and 29 are orientated north-south and thus there will be no unacceptable overlooking or loss of privacy and there will be no harm as a result.
- 8.52 Along the western edge fo the application site 4 detached dwellinghouses are proposed, the separation distances between units 26 and 27 and 3-11 Feversham Drive are in excess of 19m in a front to back relationship; across this distance it is not considered that there will be any unacceptable harm resulting from overlooking, over-bearing or any other loss of amenity so as to amount to harm

8.53 The property 16 Feversham Drive is also a single storey bungalow, orientated more-or-less north-south and beyond this 18-22 Feversham Drive which is a two-storey building which appears to have been subdivided in to three dwellings. The proposed scheme, like the previous approval, proposes two No. two storey dwellinghouses, units 24 and 25, in the north-west corner of the application site. The scale and massing of these buildings has not changed significantly since the time of the previous approval, however the position of the buildings in relation to the mutual boundary with Feversham Drive has. The dwellings now proposed increase the separation distances from these properties with unit 24 moves significantly forwards from the corner of the site, providing approximately 18m separation from 18-22 Feversham Drive, more than acceptable to ensure no harm to amenity, and unit 25 now providing a separation distance of approximately 10m to the flank elevation of 16 Feversham Drive. Unit 14 features a number of windows on its west facing elevation looking towards the flank elevation of 16 Feversham Drive, the building has however been positioned so as to line up with the flank of this property as opposed to overlooking its rear garden amenity space in any manner. Very oblique views towards the rear garden amenity space of this property would exist, however this is not considered to be a relationship which in any manner would result in unacceptable harm to amenity.

Piercy End

8.54 The terrace of properties fronting Piercy End are located a substantial distance from the application site with long burgage plot style rear gardens providing separation distances to the application site boundary of between 60m and 65m.

8.55 The proposed two storey dwellings, units 10 and 6, are orientated north-south with their flank elevations facing towards the shared boundary. There are no substantial openings in these facades; with the exception of a small obscure glazed window serving a bathroom, which would result in any unacceptable harm through loss of privacy and across such a distance it is not considered that there would be any harm in any event. With the significant building to building separation distances there will be no harm through overbearing or loss

of outlook and no unacceptable impact upon the usability or privacy of their garden amenity spaces.

West End

- 8.56 The properties to the north at West End are located a significant distance from the application site and it is not considered that there will be any impact in any manner upon the amenities of these dwellinghouses such that any detailed consideration is necessary.

Summary

- 8.57 Details of boundary treatments will be considered as part of any detailed landscaping scheme, the Council will be able to fully assess the acceptability of the treatments proposed and their compliance with local character.
- 8.58 The point however stands that there are no overriding concerns in respect of impact upon neighbour amenity which suggest there will be unacceptable harm.

Impact upon the Highway Network

- 8.59 The proposals before the Council will result in the development of a vacant parcel of land, within the existing development boundary, which has been allocated for the purposes of housing development for a significant period of time but has not formally come forwards and been delivered.
- 8.60 The Council previously granted consent for the erection of 29 dwellinghouses on the site in October 2009, under application ref. 07/01133/MFUL. This consent was formally implemented on the site through the carrying out of works comprised in the laying out of the public highway and drainage through the site. These works can be seen quite clearly on site with two hammer-head style junctions having been formed on site accessed through Wainds Field.
- 8.61 At the time of the last application the Local Highway Authority, North Yorkshire County Council (NYCC) confirmed that the provision of access through Wainds Field to the A170 was appropriate and that the detailed submitted at the time of the application met all relevant design requirements to serve the proposed

properties. The established Wainds Field access was, as part of the earlier phase of housing development here, designed to accommodate development on the application site without issue.

- 8.62 The junction between Wainds Field and the A170 was considered to be substantially below capacity, even taking account of the 29 dwellinghouses proposed.
- 8.63 The Applicant has instructed the services of a Highway Consultant to advise in relation to the application and to consider the impacts of the proposed development upon the safety and capacity of the highway network.
- 8.64 A Transport Statement (TS) prepared by Fairhurst will be submitted in support of the application and should be read alongside this statement for completeness.
- 8.65 The TS will demonstrate that the development now proposed will not result in any material impact upon the public highway network over and above the development which has already been consented and lawfully implemented on the site.
- 8.66 The TS will demonstrate that, in accordance with industry standard TRICS data, the number of trips generated by the proposed development will be modest and will not have a demonstrable impact upon the local highway network. There is more than sufficient capacity on existing roads to accommodate the additional movements and thus there will be no highway impacts which are severe.
- 8.67 The test, as set out by Paragraph 109 of the National Planning Policy Framework, is whether the development would give rise to an unacceptable impact upon highway safety, or the residual cumulative impacts upon the road network would be severe. This is not the case and thus there are no issues on highway grounds.

- 8.68 The proposals seek to deliver improvements to local pedestrian accessibility by providing a footway link from Piercy End through to Feversham Drive and appropriate paved surfaces throughout the site.
- 8.69 In conclusion the development will have a negligible impact upon the wider highway network and will not give rise to any harm, whilst delivering a clear public benefit in the form of new pedestrian footways.

Drainage and Flood Risk

- 8.70 The application site is located within Flood Zone 1. It is thus land which is subject of the lowest risk of flooding; less than 0.1% each calendar year. There is thus no need for any additional justification in respect of the ability of the site to accommodate residential development.
- 8.71 The Applicant has instructed the undertaking of a Flood Risk Assessment (FRA) and Surface Water Management Strategy in order to support the application. The statement prepared by Fairhurst will be submitted in support of the application and should be read alongside this statement for completeness.
- 8.72 The statement will demonstrate that the drainage strategy agreed with the Council at the time of the previous application remains acceptable and will update this strategy in order to accord with the layout of development now proposed. The development will not increase the risk of flooding on or off of the site in any manner and surface water can be appropriately dealt with in a manner which will be agreed with the Local Lead Flood Authority (LLFA) during the course of the application.

Impact upon Biodiversity

- 8.73 The application site is located outside of any protected designations of ecological interest. The Applicant has however instructed the services of Quants Environmental to undertake a Phase 1 Biodiversity Assessment to determine whether the development of the site for housing will impact upon any protected species or habitat. The report is submitted in support of the application and should be read alongside this statement.

- 8.74 The Biodiversity Report concludes that the site does not have any potential to support protected species, however with appropriate mitigation and retention of the key areas of interest on the site and an appropriate buffer, there are opportunities for biodiversity net gains to be delivered.

Impact upon Trees

- 8.75 The Applicant has instructed the services of an Arboricultural Consultant to undertake a Tree Survey and prepare an Arboricultural Impact Assessment to accompany the application.
- 8.76 The AIA prepared by Barnes Associates has been submitted in support of the application. The AIA confirms that there are no trees on site which should act as a constraint to development. The site had previously been cleared in respect of the earlier consent and any remaining species are of a poor quality and not worthy of retention
- 8.77 As part of a detailed landscaping scheme to be submitted to the Council pursuant to a condition on any grant of planning permission, new trees and planting will be provided in order to positively integrate the site in to its surroundings.

Financial Obligations

- 8.78 The recently adopted National Planning Policy Framework (NPPF) imposes a new threshold for affordable housing. As the most up to date planning policy this supersedes the Ministerial Statement from 2014 which brought in to place a 10-unit threshold with a gross floorspace limitation. The new threshold is based upon the statutory definition of Major Development; being proposals for 10 or more units or a site area of greater than 0.5ha.
- 8.79 The new threshold is not a matter of concern in the determination of this application however, being for 32 dwellinghouses.
- 8.80 Where Councils have adopted CIL, with the exception of Affordable Housing, such tariff-based contributions are encompassed within the levy payment and should not additionally be sought by way of s106 agreement.

- 8.81 Ryedale District Council has adopted a CIL charging schedule. The charging schedule was adopted by the Council on 14th January 2016 and came in to force on 1st March 2016.
- 8.82 Whilst CIL has been brought in to place, the Council can seek site specific contributions where these are considered necessary in order to render development which would be otherwise unacceptable, acceptable in planning terms, but these must be explicitly justified and reasonably tied to the development.
- 8.83 In accordance with Paragraph 122 of the Community Infrastructure Levy (CIL) Regulations (2010) and the NPPF, any contribution sought, if any, must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.

Affordable Housing

- 8.84 Policy SP3 of the Local Plan Strategy (2012) provides the Council's approach to the delivery of affordable housing. The Council's policy directs that 35% of open market housing schemes above 5 units shall be provided as affordable.
- 8.85 Having regard for the new threshold imposed by the NPPF affordable housing should not be sought in respect of sites proposing 9 or less units where the site area is less than 0.5ha. The scheme before the Council exceed both thresholds and thus a policy compliant contribution of 35% of units is sought.
- 8.86 The Applicant has submitted a viability appraisal in support of the application and thus will not be complying directly with the Council's adopted policy in this regard.
- 8.87 The Applicant has instructed the services of S106 Affordable Housing Ltd. to undertake an assessment of the ability of the scheme to make a financial contribution towards affordable housing provision. It is expected that the Council will wish to instruct the services of the District Valuer in order to examine the Applicant's viability evidence. It would be appreciated if the

Council could make contact with the Applicant's agent at the earliest opportunity in order to confirm any costs associated with this.

8.88 As the Applicant's Consultant's report concludes, the site has an existing 'alternative use value' (AUV) derived from the existing implemented planning consent. In established an AUV, as per Planning Practice Guidance (PPG) relating to 'viability', there is no need to allow for a landowner's incentive atop this, it is instead included within this figure, and thus forms the EUV+ to be input in to the viability appraisal.

8.89 Taking this EUV+ figure and factoring in the build out, acquisition costs and abnormals, the site cannot sustain a full policy compliant contribution towards affordable housing.

8.90 Whilst a policy compliant provision cannot be delivered the site can sustain the provision of 7 affordable housing units and a financial contribution for part of an affordable unit as the EVA concludes. The suggestion is that the seven units will be provided in the format of 6 affordable rented units and 1 shared ownership unit.

8.91 It is anticipated that a Registered Provider (RP) will be willing to take possession of the affordable housing to enable this to be delivered on site. If however this is not the case, it will be necessary for a financial contribution to be accepted for the full provision through an appropriate mechanism inserted into the s106 agreement.

9.0 Access

9.1 The access statement is required to relate only to the access to the development and not to internal aspects of the building. The following sets out how both pedestrian and vehicular accesses are facilitated to the site, amenity space and public transport.

- 9.2 The site has an existing access from the residential close Wainds Field. As the Council will be aware elements of the previously approved access have been implemented on the site and thus part of the road layout for the development has been laid out. There is no fundamental change proposed to this existing implemented pattern of access.
- 9.3 The Council had planning on adopting a Parking Standards SPD following on from the adoption of the Local Plan Strategy (2012). The Council has not however yet adopted such a document and there is no publicly available draft documentation to indicate what these standards are likely to reflect. The fall-back position therefore should be the North Yorkshire County Council interim Parking Standards (2015). The NYCC standards provide two thresholds; urban and rural areas. Within sustainable settlements it is considered therefore that the lesser requirements for urban locations should be required. The strategy requires that for a 2-bedroom dwellinghouses 1 space is provided and for a 3+ bedroom dwellinghouse 2 spaces are provided. This is exclusive of the requirement to provide secure cycle storage.
- 9.4 The proposed scheme provides a policy compliant provision of parking in this respect with the 2-bedroom units each having one parking space and all other units across the site having two spaces whether on plot and including garages or whether in a more communal arrangement. The scheme also provides for two visitor spaces in an appropriate location on the site. These are not required to meet the requirement for any other properties and are superfluous to accommodate any exceptional need which may arise.
- 9.5 In promotion of sustainable patterns of transport provision for secure cycle storage will be made in the private garden amenity spaces relating to each of the dwellinghouses. Each property has rear access to enable such provision to be made.
- 9.6 The scheme includes the provision of new public footways across the site including providing a footway link through to Feversham Drive to the west and a footway link through to Piercy End to the east.

- 9.7 The proposals will thus improve local pedestrian connectivity and safety and contribute positively to providing a safe and sustainable community.
- 9.8 The submitted Transport Statement (TS), prepared by Fairhurst, includes an assessment of the site's accessibility to local services and facilities. The TS confirms that all local services and facilities are within an acceptable distance and accessible either by public transport, cycle or use of a private vehicle.
- 9.9 Paragraph 103 of the NPPF acknowledge that opportunities for the use of sustainable transport methods will be lesser in rural areas and thus there will inevitably be a dependency on the use of a private vehicle in such locations.
- 9.10 The point here is that the application site is sustainably located, having regard for the inherently rural nature of the District and clearly capable of supporting additional housing growth and thus the proposal represents sustainable development.

10.0 Conclusion

- 10.1 The application before the Council seeks full planning permission for the erection of 32 dwellinghouses with matters relating to submission of a detailed landscaping scheme to be conditioned for subsequent approval. The application site is the remnant of a historic housing allocation within the Ryedale Local Plan (2002) and there is thus no issue with the principle of the development.
- 10.2 The Council has also previously granted planning consent for the erection of 29 dwellinghouses on the application site. This consent was formally implemented and remains live and could be completed. The scheme was not however viable and thus has never been built out. The application now before the Council seeks to address these viability matters through the proposals of a new scheme for 32 dwellinghouses of a mix of size and tenure.

- 10.3 The scheme now before the Council is not fundamentally different to that which was previously approved but rather proposed improved house types arranged in a more optimal layout which makes best and most efficient use of the site.
- 10.4 The Applicant has submitted an Economic Viability Appraisal for the Council's consideration in order to address the viability issues with the delivery of the site. The EVA demonstrates that in order for the scheme to be deliverable it can only deliver 7 units of affordable housing with a residual financial contribution provided for the remaining part of a unit. It is not possible to comply with the Council's affordable housing policy requirement of 35%.
- 10.5 The Council will recognise that this site has sat vacant for a significant period with no prospect of completion and thus it is necessary to properly consider the scheme viability in order to enable this to be brought forwards.
- 10.6 There are no issues with site accessibility and the development will not give rise to highways consequences which in any manner can be considered to be severe. There will be no unacceptable impacts upon heritage assets within the vicinity of the site and there are no other technical issues which indicate that development should be restricted.
- 10.7 The guiding principle for such applications is that development should be approved:
- Which is sustainable;
 - Where proposals are in the public interest; and,
 - Where there are no adverse impacts which significantly and demonstrably outweigh the benefits and there is no conflict with specific policies of the Local Development Plan or NPPF.
- 10.8 There are no unacceptable impacts arising from the proposals which override the public benefits of delivering additional housing in a sustainable location. The proposals comply with the relevant policies of the Local Development Plan and Framework, the Council can therefore justifiably grant planning permission.