

Item Number: 10
Application No: 19/00772/MOUT
Parish: Kirkbymoorside Town Council
Appn. Type: Outline Application Major
Applicant: W&W Estate Ltd (Mr Dan Warrington)
Proposal: Outline planning application for 43 residential dwellings and associated infrastructure - all matters reserved other than for layout, scale and access (1.46 ha)
Location: Land Off Swineherd Lane Swineherd Lane Kirkbymoorside North Yorkshire

Registration Date: 9 July 2019
8/13 Wk Expiry Date: 8 October 2019
Overall Expiry Date: 27 February 2023
Case Officer: Gary Housden **Ext:** Ext 43307

CONSULTATIONS:

NYCC Natural Services	Made comments
Archaeology Section	Recommend condition
Flood Risk	Recommends conditions
Housing Services	Supportive
Highways North Yorkshire	Recommends Conditions
Kirkbymoorside Town Council	Concerns
Designing Out Crime Officer (DOCO)	Comments
Yorkshire Water Land Use Planning	Comments and conditions in Yorkshire Water's letter dated 5th August 2019, still apply for the development proposal.
Housing Services	Comments made
Kirkbymoorside Town Council	Objection
NYCC Natural Services	Comments received
Sustainable Places Team (Environment-Agency Yorkshire Area)	
Archaeology Section	no additional comments
Flood Risk	Comments
Housing Services	Support
Kirkbymoorside Town Council	Concerns
Designing Out Crime Officer (DOCO)	No additional comments
Yorkshire Water Land Use Planning	previous comments from 5th August 2019 still apply
Sustainable Places Team (Environment-Agency Yorkshire Area)	
Yorkshire & Humber Drainage Board	Comments
Sustainable Places Team (Environment-Agency Yorkshire Area)	
Flood Risk	Recommends Conditions
Designing Out Crime Officer (DOCO)	no additional comments
Archaeology Section	Recommend scheme of archaeological evaluation to include a geophysical survey followed by trial trenching
Housing Services	Comments
Yorkshire Water Land Use Planning	Recommend conditions
Public Rights Of Way	Recommend informative
Flood Risk	Further info required
Designing Out Crime Officer (DOCO)	Recommend conditions
Highways North Yorkshire	Amended comments
Kirkbymoorside Town Council	Objection
Highways North Yorkshire	Additional information required
NYCC Natural Services	Further info required

Representations:

Mrs D Cooke, Mr Richard Wright, Mr Rob Ryder, Mr Malcolm Woolley, Jan And Peter Darrel, Mrs Elizabeth Purser, Pauline Williams, Mrs J Brewer, Mrs Jean Clarkson, Mr Brian Ratcliffe, J Battle, Trevor King, Amy Webb, Mrs Joanna Marie, Mr Chris Tinkler, Mr Geoff Giles, Mr Robin Butler, Mr James Cook, Peter Whitcomb, Mr A & Mrs K Tuke, Sheila Harrison, Margaret Roberts, J Cass, David Harrison, Lynne Cossins, Jane Cossins, John Cossins, Mr Jim Butler, Mr And Mrs Wright, Mrs Mary Morgan, Gaynor De Barr, Jacquelién Francis-Lucy, Rev. Michael And Molly Stephens, Raymond Abbotson, Mrs J Brewer, Mr Vernon Carter, Mr Matthew Pollard, Adam Purser, Alison Richardson, Mrs Fran Mason, Mrs Kirsty Kirk, Mrs Iris Brunton, Mrs Julie Cass, Mr Barrie Wildsmith, Mr Tim Chipping, Greg McKay, Rose Smith, Caraline Spencer, Mr Jacques Tinkler, Mrs Janette Tattersall, Mrs Audrey Wildsmith, Susan M Johns, Mr Stuart R H Brown, Mrs Louise Scarth, Mr Jeffrey Morgan, Mrs Anne Warriner, John And Karen Wilkinson, Mr Liam Plater, Miss Julia Bullock, Maggie Turner, Mr Michael Turner, Mr Ian Smithson, Mrs Elizabeth Smithson, William And Therese Young, Mrs Hilary Adams, Mr Roger Jackson, Mr Alex Hunter, Mr Richard Butler, Mr Mike Smithson, Mr Nick Holt, Elisabeth Prentice, Viv Webster, Mrs Karen Tinkler, Miss Amy Webb, Mrs J E Morgan, Richard Butler, Mrs Gaynor De Barr, Mr J D Brewer, Mrs Anne-Marie O Malley,

BACKGROUND:

This outline planning application is to be determined by Planning Committee as it is a Major Category application and objections have also been received in response to the application.

The application has been with the authority since July 2019. It has undergone a series of changes and revisions. Initially the only reserved matter submitted was access, however following discussions with officers, consideration of reserved matters relating to layout and scale of the development are also to be considered. This means that the only detailed reserved matters to be dealt with at a future date are landscaping and design.

SITE:

The site currently comprises a 1.46-hectare field which is located immediately adjacent to the built-up area of Kirkbymoorside on the eastern side of the town. The site is bounded by existing residential development located to the north and west. A sports field and recreational area is located to the south with landscaped boundaries and a field further to the east. Access to the site is gained via Swineherd Lane on the northern boundary. The site is roughly rectangular in shape with a slightly narrower section adjacent to the northern boundary. The site slopes from north to south and is bisected by a public footpath which runs from Swineherd Lane and which crosses the site, exiting part way down the eastern site boundary. The footpath continues to Keldholme further to the east.

The site entrance is located between two detached properties fronting onto Swineherd Lane, known locally as Seeview and Kildare. Residential properties in Stuteville Close, Kildare Garth and Duna Way abutt the site along the entirety of the western boundary

The site benefits from being identified as a housing allocation Ref.SD7 within the adopted Ryedale Sites Local Plan document and is now part of the adopted statutory Development Plan for Ryedale. In principle the proposed development of the site would now satisfy the policy criteria for the site allocation.

In terms of its location in respect of local services, the site is not considered to be car dependent being positioned within some 400m, walking distance of Kirkbymoorside Market Place with its accompanying local facilities. With regards to the site's location in relation to public transport modes other than the private car, the site is located within walking distance of bus stops located on the A170 road and the Market Place. Access to the wider local highway network would be via Swineherd Lane and it is proposed that sole vehicular access to the site will be taken from this highway.

The site constraints are confirmed as an area of Flood Zone 1.

PROPOSAL:

The application was originally submitted as an outline application with all matters reserved except for access for a development of 45 dwellings. As amended, this application now seeks an outline planning permission for the development of the site for a reduced number of 43 dwellings with all matters reserved other than for layout, scale and access

The Indicative Planning Layout submitted in support of the planning application identifies the following parameters:

- A size, layout and configuration capable of supporting a sustainable housing scheme of 43 homes. Overall the density of the site equates to 29.4 dwellings per hectare.
- 15 affordable homes are proposed together with a small commuted of £3145. Ten units will be for rent (3No. 1bed units, 3No. 2bed units, 2No. 3bed units and 2No. 4 bed units) with 5No. First Homes (2No. 2bed units and 2No. 3bed units). This equates to affordable housing provision at 35% based on the District's current planning policy requirements.
- An appropriate vehicular access to be taken from Swineherd Lane,
- The re-alignment of Public Footpath 25/52/5/1, routed through the development which crosses the site from the north at the entrance of the site onto Swineherd Lane to the north to the point where it leaves the site to the east.
- The provision of new proposed pedestrian and cycle connections to existing linkages to the north, west and south of the site.
- An area of amenity space located in the south-eastern area of the site.
- The provision of enhanced boundary landscaping along the eastern boundaries of the site.
- The retention of existing landscape features on the site's boundaries by the retention of some trees and the augmentation of existing hedges within the site by additional infill planting with native species.
- The provision of enhanced landscape planting and 'mature' screen hedgerow planting adjacent to the site entrance access road, for approximately the first 50-60 metres into the site. The amended layout plan shows no dwellings in this part of the site

The applicant states that the proposed number of homes to be delivered at the site has been identified following an assessment of the likely housing type, tenure and mix that are likely be delivered at the site.

The applicant maintains that comments received from statutory consultees through the pre-application process, including highways and drainage bodies have been used to inform the development. The amended Planning Layout has taken into consideration these observations and comments since the

submission of the original outline scheme submitted particularly in respect of the proposed vehicular access location and design and a reduction in the density levels of the proposed development from 45 to 43 dwellings. The site is bounded by existing single storey residential development located to the west with 'split level' development to the north.

Indicative plot sizes for each dwelling have been made which are considered to be commensurate with the existing arrangement of housing in the vicinity of the site. The plans show that each dwelling is provided with an appropriately sized rear private garden areas.

The layout of the scheme has now been submitted for consideration and forms an integral part of the submission to be considered at this stage. No design details or landscape proposals are provided at this stage. It has however been confirmed that the dwellings are intended to be predominantly 2-storey. It is intended at the reserved matter stage to retain existing landscape features located on the site's boundaries and also seek to provide additional landscaping along the frontages of plots to soften views onto the scheme and top protect the amenities of near neighbours. It is also intended to provide landscaped gardens at the rear of the houses including close boarded timber fences between the individual dwellings. It is anticipated that the more formal areas of landscaping and public open space provided within the scheme will be maintained by a management company in the future.

The applicant maintains that the proposed quantum of development detailed above can be accommodated at the site ensuring that a high quality residential development will be delivered. The development proposals are intended to provide a bespoke residential development that reflects the character of Kirkbymoorside and the site's immediate surroundings.

The following reports have been submitted by the applicant to accompany the application. These can all be viewed on the working file:

Planning, Design and Access Statement'
Land Contamination Report,
Flood Risk assessment
SUDS Strategy
Ground Water Mitigation,
Ecological Report and Update report,
Archaeology WSI

HISTORY:

The site in question is allocated for residential development under Policies SD2 and SD7 within the adopted Ryedale Sites Local Plan document. The Sites Document was formally adopted by the Council in June 2019 and it forms part of the Council's adopted statutory Development Plan for Ryedale. There have been no previous planning applications submitted seeking to develop this site.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 local planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

The Ryedale Plan- Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy;
Local Plan Strategy – Policy SP2 Delivery and Distribution of New Housing;
Local Plan Strategy- Policy SP3 Affordable Housing
Local Plan Strategy – Policy SP4 Housing Type and mix of New Housing;
Local Plan Strategy – Policy SP12 Heritage;
Local Plan Strategy- Policy SP13 Landscapes;

Local Plan Strategy – Policy SP13 Biodiversity;
Local Plan Strategy- Policy SP15 Green Infrastructure networks;
Local Plan Strategy - Policy SP16 Design;
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources;
Local Plan Strategy- Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development;
Local Plan Strategy - Policy SP20 Generic Development Management Issues.
Local Plan Strategy –Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy.

Ryedale Plan-Local Plan Sites Document (2019)

Policy SD2 Residential Land Allocations

This policy allocates 1.46 hectares of land to the south of Swineherd Lane, Kirkbymoorside for residential development with an indicative yield of 35 units. The policy does however make it clear that..... *‘the yield for each site is indicative and the precise number of units to be provided on each site will be determined at the planning application stage.’*

Policy SD7

- An indicative yield of 35 dwellings
- Access from Swineherd Lane
- Pedestrian and cycle only access to Duna Way; Stuteville Close and the recreation facilities to the south of the site
- Retention of the public footpath through the site
- Landscape buffer to the eastern boundary
- Careful attention to the scale and mass of buildings to the eastern side of the site
- Well-designed street and spaces
- Sustainable drainage system to be integrated into design
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity

Other Material Considerations

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 6 – Building a strong, competitive economy

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

APPRAISAL:

Main Considerations

- Principle of the Development;
- Sustainable development

- Character of the Area;
- Housing Delivery
- Housing Mix, scale and tenure
- Provision of Affordable Housing
- Drainage and Flood Risk;
- Ecology/Biodiversity
- Highways Safety and Access;
- Amenity;
- Archaeology

Principle of the development

Policy SP1 of the Ryedale Local Plan, entitled ‘General Location of Development and Settlement Hierarchy’ confirms the Council’s approach to the type of development considered appropriate for locations across the district. The site is located within Kirkbymoorside which is considered as a ‘Local Service Centre’ with the settlement expected to be subject to *‘Limited housing growth to address local employment and housing and community requirements’*.

The document identifies the following key considerations in respect of the identification of development sites:-

- delivery against the Objectives and Policies of the Plan, policy standards and Community Infrastructure Levy (CIL) requirements;
- support access on foot to centrally located shops, services and facilities;
- be compatible with neighbouring land uses;
- avoidance of adverse impacts on interests of acknowledged importance;
- capable of being accommodated without detriment to the character of the settlement and its setting; and;
- able to satisfactorily address highway capacity and safety

In addition, Policy SP2 of the Local Plan Strategy provides guidance on the distribution of new homes within the Ryedale with Kirkbymoorside being allocated approximately 10% which equates to circa 300 new homes within the town. In particular, this policy states that site spatial identification will be focused around the identification of small-medium sized sites 4 predominantly to the north of the A170 and to the east and west of the town thereby avoiding coalescence with Keldholme.

As a Local Service Centre, Kirkbymoorside falls within the second highest level of the settlement hierarchy which are considered as market towns. The principal of the settlement hierarchy is to try and ensure that development is distributed appropriately, to locations within the district with appropriate infrastructure and additionally to ensure that the rural nature of the district, particularly those locations lower down the hierarchy, is maintained.

Policy SP2, ‘Delivery and Distribution of new housing’, sets out the districts aim in terms of housing delivery and importantly, the areas where they wish to see housing schemes come forward. In areas defined as Local Service Centres, sites to be considered sources of housing, are confirmed as following, *‘Housing Land Allocations in and adjacent to the built up area, Conversion and redevelopment of Previously Developed Land and buildings within Development Limits, Replacement dwellings, Sub-division of existing dwellings, Infill development (small open sites in an otherwise continually built up frontage), 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3, Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3 along with, Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate’*.

In this respect, the site represents housing allocation Ref.SD7 within the adopted Ryedale Sites Local Plan document. adopted by the Council in June 2019 and, as such, now forms part of the adopted statutory Development Plan for Ryedale. Consequently, in accordance with Paragraph 11 of the NPPF it is advised that planning permission should be granted for a development proposal such as this unless

there are any adverse impacts that would significantly and demonstrably outweigh the benefits and where the NPPF indicates development would be restricted

The spatial planning principles established within the Ryedale Local Plan Strategy document were taken into account when the application site was identified as a housing allocation within the Ryedale Local Plan sites document. As such, the principle of proposed residential development on the application site is fully in accordance with the District's planning policy objectives and land use.

Sustainable Development

The NPPF defines the economic objective of sustainable development as being: "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" The economic benefits that the development would contribute to the local area are as follows: -

- Creating sustainable communities through meeting housing needs, offering existing and potential residents of Kirkbymoorside and the District the opportunity to live in the type of house and location to meet local need;
- Delivering financial contributions towards the improvement of the District's infrastructure through the provision of a Community Infrastructure Levy payment.
- New capital construction expenditure creating direct and indirect employment opportunities, of which 70% are usually retained in the local area.
- Sustaining and improving the District's labour market through delivering the right homes in the right locations.
- Potential to generate an increase in retail and leisure expenditure in the local area thereby creating new employment opportunities in these sectors.
- Provision of funding towards public services from the Government's new homes bonus and annual council tax payments. The development of approximately 43 homes at the site can deliver economic and social benefits to the local area and wider District..

In socio-economic terms, the development of the site would deliver an estimated £5.48m construction investment to locality and the wider Ryedale area which, in turn, has the potential to deliver a wide range of direct and indirect economic benefits to the area, stimulating employment growth during and post construction. For instance, a large proportion of the workforce are likely to be sourced locally with local businesses benefitting from trade linkages established through the construction of the development, with ongoing support for indirect jobs via suppliers of construction materials and equipment.

In terms of post-construction benefit, it is expected that new employment opportunities will be created and existing facilities/services sustained as a result of the spending patterns of new residents brought to Kirkbymoorside and environs by the development contributing to the long term vitality and sustainability of the local services and facilities of Kirkbymoorside. In addition, the development would be expected to deliver significant economic gains through the Government's New Homes Bonus incentive and annual Council Tax payments. During a period where local authority's budgets are being reduced these areas of financial gain can provide beneficial ways in which Councils can continue to support their communities

The development proposals would also deliver a substantial Community Infrastructure Payment to the Council, to be used to improve local infrastructure, including local educational facilities. Overall, it is expected that the development will deliver several economic benefits to Kirkbymoorside and the wider Ryedale area, and, in doing so, will meet the Government's economic objectives of sustainable development. In doing so the proposals will also comply with the relevant policies of the Ryedale Local Plan Strategy Document in terms of meeting the social objective of sustainable development.

In this respect, the NPPF defines the social objective of sustainable development as being: “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”

Chapter 5 of the NPPF 2021 puts forward in paragraph the Government’s objective of significantly boosting the supply of homes, stating the importance of providing sufficient amount and variety of land able to come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The development proposals in this application would provide an outline template for residential development that is able to contribute to supporting a strong, vibrant and healthy community by providing a supply of housing that is required to meet the needs of both present and future generations.

The site is located within Kirkbymoorside which is identified as a Local Service Centre (Market Town) in Policy SP1 of the adopted Ryedale Local Plan Strategy Document, where, due to the Town’s role and function, it is appropriate to focus limited growth to address housing requirements.

In accordance with Policy SP2 of the Local Plan Strategy, the development of the site would make a significant contribution to meeting the identified 300 home requirements of Kirkbymoorside through the release of a medium size site located to the north of the A170 and to the east of the 10 town, whilst avoiding coalescence with Keldholme. A position agreed on by both the Council and the Inspector of the Ryedale Sites Local Plan in concluding that the site represents a deliverable housing allocation.

The layout of the proposals will result in a template that provides for a high-quality local environment for residents with appropriate levels of private amenity space for new residents of the development and existing residents who neighbour the site. The future design of the proposals will also consider the need to reduce opportunities for crime.

The site can therefore be considered to be a viable and deliverable sustainable residential development site. A sustainable development can be delivered at the site with pedestrian and cycle access to existing services, facilities and public transport. A suitable access can be provided from existing highways. There are no other technical constraints, including the suitably managed site drainage of the site constructed in accordance with guidance provided by the North Yorkshire County Council Lead Flood Authority, which would allow for the development of the site for residential use.

The site is available for residential development now as there are no legal or ownership constraints. The developers are seeking to develop the site for residential use within a year of a grant of planning permission. They have undertaken a thorough marketing and economic viability assessment for the site, including an assessment of any site specific abnormal costs and, in this respect, the site is considered to be achievable for residential development now with a realistic prospect that the site will deliver new homes well within the next 5 years.

Character of the Area

Though an outline application; layout, scale is open for consideration at this stage with design remaining a reserved matter to be dealt with at a later stage. Nonetheless, Policy SP16 requires the finished development of the site to reinforce local distinctiveness, the location, siting, form, layout, scale within the context of its surroundings. Abutting the site to the west is a well-established residential development of bungalows within a suburban close layout. The proposed development has indicated a similar spatial layout type to this with 43 dwellings located within plot layouts sufficient to provide for adequate spatial distances between the dwellings. The development also shows it is provided with adequate off-street parking provision.

Part of this application seeks to maintain and augment the hedgerows that would provide for the existing boundary separation between the proposed two storey development and the single storey bungalow estate located adjacent and to the west of the site.

Overall., the proposal is considered to comply with Local Plan Policy SP20 entitled ‘Generic Development Management Issues’ This Policy requires (amongst other things) new development to respect the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses.

The layout of the proposed 43 dwellings is considered to provide for a form of development that complies with guidance contained within Chapter 12 of the NPPF, entitled ‘Achieving well-designed places’ in terms of its layout, scale and access. In this respect Paragraph 126 states that, ‘*good design is a key aspect of sustainable development*’ with Paragraph 130 advising that planning decisions should

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The final detailed designs of the individual dwellings and the full landscaping proposals remain to be submitted with a future reserved matters application. However, on the basis of what is currently submitted, the proposal is considered to be acceptable by officers in terms of layout, scale and access. It is not anticipated that the reserved matters will prove to be problematic in achieving an overall good design as required by the NPPF.

To concur with guidance contained within Paragraph 134 the design of the scheme to be submitted at any future reserved matters would need to satisfactorily comply with local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes’. The scale parameters of the buildings are proposed to be controlled by a condition to be attached to the outline planning permission

On this basis officers consider that there are no concerns with this application relating to the layout, scale and access of this outline application. The scheme is considered to accord with Policy SP16 of the Ryedale Local Plan along with the NPPF with design to be dealt with as reserved matters

Housing Delivery

The proposal for the residential development of this allocated site for 43 dwellings supports the delivery of housing in Ryedale against the planned housing requirements and will assist the Council’s ability to be able to demonstrate it has a 5 year supply of deliverable housing land. Whilst the final details remain to be submitted and approved there is no reason to suggest that the delivery of this scheme will stall. From start on site it is estimated that the scheme would be built out in 18-24 months. Policy SP 2 seeks to boost the supply of new homes, including affordable housing. Overall this is a significant benefit which weighs in favour of the grant of planning permission.

Housing Mix/Scale and Tenure

The scale, mix and tenure of the scheme are for consideration at this stage. Members will note that numerous objections have been raised to the scheme raising concerns not just about the principle of the development of the site but also in relation to the number of dwellings proposed but also in relation to the mix and likely scale of the development.

This application proposes the erection of 43 dwellings in total on the allocated site. The adopted Sites Document has an indicative yield of 35 units. The fact that the application proposes a number that is in excess of the indicative amount does not amount to a conflict in principle with the Council's policy. As previously stated in this report and also in the Sites Document the yield shown in the plan is not an absolute figure and that the precise figure will be determined at planning application stage. The exceedance by eight units is not considered to be significant in this case given that the overall density of development still amounts to less than 30 units per hectare.

In terms of housing mix the development layout shows houses with indicative floor areas and comprised in a variety of terraced, semi-detached and detached types. The scheme shows a mix of 3no. 1 bed units; 9no. 2 bed units; 27 No. 3 bed units and 4no. 4 bed units. In respect of the potential for provision of a good housing mix within the development, in order to meet the identified needs of the community the proposal to provide dwellings of a mix of 2-, 3- and 4-bedroom homes to ensure that the housing needs of all members of the community can be met including first-time buyers, couples of all ages and families. The site will also deliver 34.8% of the 35% of the required affordable homes on site with a small financial contribution made in respect of the minor shortfall in the number of dwellings to be delivered. Overall, with this provision, the proposed development would be in accordance with the District's current planning policy requirements as stipulated in Policy SP3 of the Local Plan Strategy Document.

Details of the affordable units are set out in more detail below

Provision of Affordable Housing

In reducing the total number of dwellings from 45 to 43, the provision of affordable dwellings would be reduced to 15. This equates to 34.8% and is slightly below the Council's adopted 35% threshold for affordable housing. A contribution of 0.2% (a commuted sum of £3,145.00) has therefore been agreed by the applicant in order to meet the Council's affordable housing requirement. Ryedale Housing Services Manager has confirmed their agreement with this contribution.

Though the affordable house types and final details would be determined at the reserved matters stage, the applicant has indicated their intention that the development deliver 10 affordable dwellings for rent (3x1 bed; 3x2bed; 2x3 bed and 2x4bed) and 5 First Homes (2x3 bed and 3x2 bed). The affordable housing contributions including the commuted sum will be delivered through a S106 legal agreement.

Overall, the development will to deliver a mix of low-cost rental and affordable home ownership built to NDSS standards and provide an opportunity to deliver much needed affordable housing to the locality.

Flood risk and drainage

Policy SP17 'Managing Air Quality, Land and Water Resources' confirms that development proposals should manage surface and wastewater. Chapter 14 of the NPPF entitled 'Meeting the challenge of climate change, flooding and coastal change' requires that development should consider the flood risks associated with the site proposed as well as ensure that development inappropriate for that risk is avoided. Additionally, development should not increase flood risk elsewhere.

A number of local residents have objected to this application with concerns relating to drainage matters for the following reasons:

- Alleged provision of misleading information in respect of storm water on a site located on an

historic spring line.

- Rain from the February 2022 storm flowed onto adjoining fields and properties;
- The Drainage Plan provided is ill-conceived with potential for increases to flood adjoining land;
- Water flows would be increased to Kirkby Mills with some evidence of it containing human waste;
- All surface water currently leaves the site across the southern boundary along the natural fall of the land to Swineherds Lane Therefore water would be delivered more quickly to Kirkby Mills;
- The proposal will lead to further habitat destruction resulting in more flood issues;
- There is a lack of drainage infrastructure available in the vicinity sufficient to handle the increased amounts of water and sewage that would be generated by 43 additional dwellings.

In support of this application the applicant has submitted a Flood Risk & Drainage Assessment and Sustainable Drainage Strategy. As indicated above, the site is located in Flood Risk Zone 1. More recently a summary note has been provided by the developer which sets out their intended approach to dealing with both foul and surface water drainage from the site. In addition the document concludes by confirming that an agreement is in place with the adjacent landowner to deliver on the proposed drainage strategy. The Drainage Strategy Statement is appended to this report for Members' information.

Surface water will be attenuated in over-sized pipes located within the roads running through the scheme and in a surface water attenuation tank located beneath the area of proposed amenity space, before being released at an agreed run-off rate of no more than 3.5litres/second into a new surface water sewer running to the south of the site which links to an existing surface water sewer located within the public highway. Plans showing the routes of the foul and surface water sewers proposed can be viewed on the working file. The submitted report concludes that the application site is at very low risk of flooding from external sources over its lifetime and that a scheme for managing surface water can be implemented in line with national and local planning policies and technical standards of regulators and measures can be implemented that mitigate any increased flood risk to the surrounding area due to the proposed development.

Both Yorkshire Water and the Lead Local Flood Authority have raised no objections to the scheme to date, recommending conditions be attached to the outline planning permission if consent is granted. Officers have however consulted both agencies in relation to the Drainage Strategy Statement and its additional technical information. Members will be updated on their responses on the Late Pages or at the meeting

Subject to any additional requirements from either Yorkshire Water and the LLFA it is considered that the proposal would not have any unacceptable level of flood risk impact either on site or elsewhere within the vicinity. The development is therefore considered to be acceptable in terms of flood risk management and is consistent with the requirements of Policy SP17 of the Ryedale Local Plan as well as the NPPF.

Ecology/Biodiversity

An Ecological Appraisal has been submitted in support of the planning application. The appraisal identifies that the development will result in a loss of two cattle-grazed, species-poor grass fields which are heavily used by dog walkers. Boundary hedges and the central hedge are all species poor but are very mature with excellent bird nesting and foraging habitat. They also form important wildlife corridors. There are no signs of any other protected species on site. There is a pond within 500m of the site; there are great crested newt (GCN) records in ponds to the south of Kirkbymoorside. A Great Crested Newt (GCN) eDNA survey confirmed that no GCN are using this pond so the development will not impact on GCN. A bat transect survey was carried out on hedges, focusing on the mature ash trees, no bat roosts were identified within the trees and the hedges were used by low numbers of commuting common and soprano pipistrelle bats.

It is proposed that enhancement of the site could be achieved by gapping up hedges. Buffer strips along hedgerows should be implemented to increase their suitability as wildlife corridors and to encourage hedge flora. The ditch that runs along the eastern side of the site allocation boundary, could also be re-profiled to encourage aquatic vegetation.

The revised layout plan for the site recommends a 2m buffer. The layout plan appears to indicate that the boundary hedgerows will be outside of the property boundaries with a 2m buffer in order to gain access for management and to retain an element of darkness along those corridors.

No concerns are raised in relation to the ecological aspect of these proposals subject to adequate access being available to maintain the landscape buffer strips. A 2 metre space has been shown and the permission, if approved, will require the detail of those buffer strips and fencing & access arrangements to be approved.

Subject to appropriate conditions the proposal is considered to satisfy the requirements of Policy SP13 Biodiversity

Highways

On behalf of the applicant, Sanderson Associates (highways consultants) have assessed a number of access options available and concluded that a suitable site access could be delivered from Swineherd Lane. This was envisaged when the site was allocated with the adopted of the Sites Document, see earlier in this report. Amended access plans have been submitted. The impact of the development proposals on the wider highway network was assessed as part of the preparation of the Ryedale Local Plan Sites document.

Highways indicate that the amendments are generally considered satisfactory and the extent of the off-site works are shown on the plans appended to this report. The off-site works include a pedestrian crossing point further to the west on Swineherd Lane and also on Old Road together with footway widening on the northern side of Swineherd Lane and the eastern side of Old Road. There are no engineering drawings submitted in relation to all the proposed highways within the site and off-site areas. NYCC Highways have therefore recommended standard conditions to require these details to be submitted and approved.

Members will note that the site does slope from north to south and its ground level is lower than the adjacent carriageway Swineherd Lane. The estate road and associated footways are required to be constructed on raised ground in order to provide an adequate and safe gradient to Swineherd Lane in order to meet NYCC's adoptable standards. This has meant that the north western corner of the site is in effect free from development, aside from the principle estate road, its associated footways and the landscaping screening of the area either side of the road. The first dwelling is shown approximately 55 metres into the site. Plans showing an indicative section are appended to this report for Members information.

Members will note that a number of objections /concerns have been received locally in relation to highway safety matters and also in respect of the surrounding road network. NYCC Highways officers have re-checked of the site, incident records in the local area, and confirm that there are no further RTA personal injury accidents noted since the original submission of this application. It is considered that the immediate network is not showing any patterns that give rise to specific concern. No objections have been raised by NYCC on highway safety grounds and the development is therefore considered to satisfy this aspect of Adopted Policy SP20, Generic Development Management Issues.

Scale of the development /Visual Impact

Immediately to the west of the site is located The residential closes of Stuteville Close; Kildare Garth and Dana Way are located to the west of the application site. A line of detached dwellings are located to the north east and north west of the site along Swineherd Lane, the closest being 'Kildare' and

‘Seeview’

Objections and concerns have been expressed by some local residents that the scale and proximity of two storey dwellings located within the site would constitute an over dominant architectural feature introduced into this allocated housing site and into their local landscape. As a result of this they further maintain that the proximity to their properties result in a further loss of amenity by reason loss of privacy an overlooking of their properties.

The closest dwellings to those dwellings to the west are plots 41 and 29, both of which would have intervening garages and car spaces located nearer to the boundary of the site. They are also oriented with their flank walls ‘side –on’ to the site boundary in order to ensure that their principal elevations will face into the site rather than at 90 degrees to the western boundary.

Plot sizes for each dwelling are considered to be commensurate with the existing arrangement of housing in the vicinity with each plot layout providing each dwelling with appropriately sized rear private garden areas. The proposed homes are intended to be 2-storey. The applicant has indicated their agreement to the use of a scale/parameters condition with no dwelling exceeding 9 metres at its apex. A parameters condition can be imposed on the outline planning permission which will then guide the details to accompany any future reserved matters submissions.

The proposed development is located towards the eastern edge of the settlement. It faces onto recreational land on its southern side. The proposal would retain and enhance existing landscape features located on the site’s eastern boundary. As part of this application, conditions will be imposed to augment the boundary hedgerows that will further serve to screen the application site from its neighbours. It is also intended to landscape internally the boundaries and frontages of plots to soften views onto the scheme. The applicant has indicated an intention to provide landscaped gardens at the rear of the houses including close boarded timber fences between the individual dwellings.

The site is considered to be of sufficient size to accommodate the development of 43 dwellings proposed. Overall, the proposal is considered to satisfy Policy SP20 in terms of maintaining sufficient visual separation between the application site and its neighbours and also in terms of its visual impacts locally in the landscape.

Amenity

Policy SP20 entitled ‘Generic Development Management Issues’ has a specific section entitled ‘Amenity and Safety’. *It states that ‘New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence’.*

In addition criterion ‘f’ of Paragraph 130 of the NPPF requires that development ‘*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.*

The nearest residential properties are located abutting the western boundary of the site and are located in Stuteville Close; Kildare Garth and Dana Way. There is no through-access onto the application site to any of the adjacent roads to the west.

Kildare and Seeview are located to the south side of Swine herd Lane and located next to the site entrance/estate road. As mentioned earlier the estate road is required to be elevated above existing ground levels in order to meet NYCC Highways adoption standards and officers have therefore required this part of the site to be free from any residential properties. In order to preserve the amenities of the neighbours either side of the main access road a detailed landscape planting scheme will need to be submitted with the reserved matters to ensure that their privacy is adequately protected. The illustrative

section drawing appended to this report show a combination of established mature hedging, to be planted as part of that specification, together with tree and shrub planting of appropriate species. This area together with the POS at the southern end of the site will ultimately be managed by a management company along with the landscape buffers on the site boundaries.

The nearest dwellings to the rear of Kildare are to the south (Plots 1-5 inclusive) on lower ground. There is approximately a 31 metre gap (back to back) proposed at this point. Elsewhere on the site Plots 42 and 43 are proposed to be part single storey part two storey in order to follow the site's differing level and to mitigate their potential impacts upon the adjacent dwellings further to the west. The submitted site layout plan also includes a sectional drawing showing the applicants approach to this development and how the dwellings will be positioned and oriented to reduce any impacts on the nearest neighbours. Plots 34 to 37 inclusive have a spacing of 20 to metres to the nearest dwellings in Kildare Garth and these are broadly in a side-to-rear arrangement. Overall it is considered by officers that the separation distances proposed exceed 'industry norms' for residential development.

Members will also note that some objectors have maintained their concerns about the loss of the open field which appears to be actively used by walkers and dog walkers. A public footpath runs through the site and exits on the eastern boundary towards Keldholme. The PROW would however be retained as part of the development subject to minor diversion through the new estate road & footway network shown. This would enable walkers to continue into and out of the town across the site as is currently the case. The site is however an allocated residential site in the Council's development plan and it is therefore considered that the 'in principle' objections that have been received in relation to this application are not sustainable. To refuse the application on grounds of planning principle would be clearly unreasonable given its current status in the adopted development plan.

Other amenity concerns that have been raised are noted. It is however stressed that the remaining details of the design of the dwellings and landscaping are reserved at this point for future consideration. At this stage officers consider that the outline proposal as submitted demonstrates that the site can easily accommodate the number of dwellings proposed without any detriment to the amenities of the locality. This is subject to numerous detailed conditions to be attached to the decision notice.

Third parties will be involved and notified when the final reserved matters details are submitted to the Council for approval. Officers consider that there is no reason to doubt that at the final Reserved Matters stage a scheme could be produced that would be acceptable in terms of its overall impacts on the locality. There are therefore considered to be no concerns with the current outline application in relation to adopted Policy SP20.

Archaeology

The additional information submitted in support of this application includes a report on archaeological trial trenching prepared by MAP Archaeological Practice which has identified several features of mid-Roman date.

These appear to represent enclosure ditches, the fills of which contained Roman pottery and animal bone suggesting that there might be a domestic focus in the vicinity. Although these features are of archaeological interest, they are not of such significance as to preclude development. They are however of local or potentially of regional significance and further archaeological work would advance our understanding of later prehistoric and Roman activity in this area.

There is also public interest in a former trackway across the site that was visible on the geophysical survey but not found in the targeted trial trench. This might be because the 'magnetic enhancement' of the trackway is largely within the topsoil and no cut feature survives.

The Council's Principle Archaeologist has no objections subject to the imposition of conditions relating to the submission of Written Scheme of Investigation, investigation and recording.

Developer Contributions

The site will also deliver 34.8% of the 35% of the required affordable homes on site with a small financial contribution made in respect of the minor shortfall in the number of dwellings to be delivered. Overall, with this provision, the proposed development would be in accordance with the District's current planning policy requirements as stipulated in Policy SP3 of the Local Plan Strategy Document. A S106 agreement is necessary to secure this contribution.

The development proposals will deliver a Community Infrastructure Levy (CIL) payment to Ryedale District Council to enable the safeguarding and enhancement of local infrastructure in the District. The CIL calculation will be confirmed once the development proposals have been finalised. As stated above, the development will also deliver 35% affordable homes on site in accordance with local planning guidance.

Confirmation of any contribution that NYCC Education would have required as a S106 contribution is still awaited at the time of writing this report. Members will be aware however that this would however need to be dealt with through the collection of future CIL receipts received from the developer as the development proceeds.

Other responses made to the application:

Three full consultations were carried out on 10 July 2019, 13 July 2021 and 1st December 2021.

Additional information relating to foul and surface water drainage and an illustrative landscape plan/section drawing has also been received and further any comments will be reported on the Late Pages or at the meeting.

Neighbour Responses

Consultation July 2019 -38 No. Third party responses:

- Insufficient infrastructure- ie. doctors, schools, roads, drainage
- Loss of open space
- Other sites in the town should be built out first – references to Westfields and Wiands Field
- Poor /dangerous access point
- Increased commuting as a result of the development
- Increased risk of flooding off site – Kirkby Mills is referred to.
- Too many units proposed
- Query over levels of affordable housing.
- Should be a full application. Lack of information on appearance of dwellings and materials
- Swineherd Lane already has inadequate drainage
- Adverse impacts on privacy in relation to the existing dwellings to the west.
- Impact on the PROW is not clear
- Damage to environment /loss of wildlife/impact on birds, bats and barn owl.
- Loss of historic field
- Potential 2.5 storey dwellings will be too high especially near to the bungalows.
- More traffic and congestion in the town centre.
- Adverse impact on views in and out of town.
- Site previously part of a VIUA.
- Development runs counter to current climate emergency.
- Concerns over a potential Second Phase.*
- Priority should be given to brown field sites.
- Poor links into town –footpaths inadequate.
- Possible encroachment over drive way to Kildare.

- Concern over off site surface water run-off.
- Layout has urban character, query over the quality of the designs.
- Closing of gap to Kirkby Mills
- Swineherd Lane already busy with construction traffic to Kirkdale Manor.
- Preference for single storey dwellings only.
- Adverse impact on property values.
- More archaeological information required.

Note:*

Reference has been made to other parcels of land in the vicinity which have been submitted to the Council as part of the current review of the Ryedale Plan (Sites 254 and 10). Such parcels of land have no planning status, and are not relevant to the consideration of this outline planning application.

Consultation July 2021- 49 responses:

- Increased flooding and frequency at Kirkby Mills/inadequate drainage infrastructure
- Query over archaeological findings
- Additional traffic adding to road dangers
- Loss of green space
- Large ramp at entrance, level affecting privacy/potential for overlooking and outlook
- Impact of air quality
- Potential for overlooking
- Still too many units
- Insufficient information
- Traffic noise on Old Road and Swineherd Lane
- Query over content of Flood Risk Assessment
- Bat and Bird box provision is inadequate to mitigate the loss of habitat
- Improvements to off-site footpath links is minimal
- Loss of views out to open countryside
- Existing drainage system is inadequate
- Loss of sunlight (specific reference to Plots 34-37 inclusive- near to western site boundary)
- Additional pedestrian crossing points of footpaths/roads will not alleviate the dangers from the additional traffic

Consultation December 2021- 16 responses:

- Continued concerns about impact on infrastructure in the town
- Inadequate drainage infrastructure, schools, doctors
- Loss of green space and footpath
- Swineherd Lane too narrow, acts as a sponge for surface water drainage
- Ditch 'upgrades' could impact on trees (Note: this is no longer proposed)
- Development will be visually intrusive
- Inadequacy of drainage details
- Loss of privacy
- Poor layout and design
- Lack of consultation with affected landowners
- Still too many dwellings
- Loss of wildlife haven
- Increased flood risk at Kirkby Mills
- Changes negligible

The response of the Town Council have been appended in full for Members information. The issues raised are considered to have been addressed in the body of this report above.

Conclusion

The principle of the development is considered to align with national and local planning policy and represents development that accords with the adopted development plan.

The proposed development is not considered to have an unacceptable impact on the open countryside, local amenity, highway safety, ecology, archaeology or flood risk. In light of the above assessment, it is considered that the proposal is acceptable and that it complies with the abovementioned listed policies of the adopted Ryedale Plan - Local Plan Strategy; the adopted Sites Document and the National Planning Policy Framework. The recommendation to Members is therefore one of approval, subject to the imposition of the conditions as drafted and required by technical consultees and also the completion of a S106 legal agreement with regard to developer contributions.

RECOMMENDATION: Approval subject any outstanding consultee responses and subject to the conditions currently under preparation and to be included on any subsequent decision notice. The development will also be subject to the completion of a S106 agreement relating to developer contributions.

Conditions To Follow on the Late Pages