

To: Planning Committee
Date: 6 June 2018
Author: Andrew Martin (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0853/EIA	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes Ltd	VALID DATE: EXPIRY DATE:	4 September 2017 4 December 2017
PROPOSAL:	Proposed erection of 12 residential dwellings at Phase 3G		
LOCATION:	Staynor Hall, Abbots Road, Selby		
RECOMMENDATION:	APPROVE subject to a Section 106 agreement and conditions		

This application has been brought before Planning Committee due to it being EIA Development.

1.0 INTRODUCTION AND BACKGROUND

Site and context

- 1.1. The ongoing development at Staynor Hall was granted outline planning permission in 2005 for a mixed-use development for 1,200 dwellings, employment floorspace, public open space, shopping and community facilities. The residential element of the development is divided in four main phases. Phases 1 and 2 are now essentially complete and Phase 4 is the subject of an unresolved application for approval of reserved matters. Phase 3 is currently under construction and is progressing in ten sub-phases, all off of which have detailed permission. Phases 3E, F and G benefit from an extant reserved matters approval dating from 2015 (ref. 2015/0579/REM) for a total of 150 units, 34 of which are located within Phase 3G.

The proposal

- 1.2. This is an application to re-plan part of Phase 3G to increase the number of houses by 2, from 10 to 12. The extended ten year deadline for submission of reserved matters pursuant to the original outline consent expired in 2015 and so this particular change has had to come in as a full application. The original outline application was categorised as EIA Development and was accompanied by an Environmental Statement. The current application is accompanied by a Supplementary Environmental Statement.

- 1.3. The applicant's main objective with this proposal is to adjust the mix of unit types to reflect current market demand. And to that end the split of unit sizes in the extant and proposed schemes compares as follows:

Unit Size	Extant consent (2015/0579/REM)	Current Proposal (2017/0853/EIA)
3 Bedrooms	2	11
4 Bedrooms	8	1
Total	10	12

- 1.4. This manifests itself physically in the subdivision of certain approved plots and the substitution of different house types.

Relevant Planning History

- 2015/0579/REM: Reserved matters application for the erection of 150 dwellings following outline approval CO/2002/1185 APPROVED 28.10.2015
- 2009/0213/REM: Reserved matters application of outline 8/19/1011C/PA for the erection of 467 No. dwellings and a community hall APPROVED 24.02.2010
- CO/2002/1185: Outline application for the erection of 1200 dwellings (4 existing to be demolished), employment, public open space, shopping and community facilities (including up to 2,000 sq. m. of shops), together with associated footpaths, cycleways, roads, engineering works and landscaping on 56 hectares of land (Details provided for phase one comprising of 236 houses) APPROVED 06.06.2005.

2.0 CONSULTATION AND PUBLICITY

- 2.1. The Town Council was consulted, a site notice was erected and statutory consultees notified.

Selby Town Council

- 2.2. No objections subject to consultation with occupants of neighbouring properties.

Local highway authority

- 2.3. No objection.

Lead Local Flood Authority

- 2.4. No objection.

Yorkshire Water

- 2.5. No objection subject to conditions.

Internal Drainage Board

- 2.6. Should consent be required from the IDB we would advise that this should be made a condition of any planning permission.

Principal Archaeologist, North Yorkshire County Council

- 2.7. No objection.

Natural England

- 2.8. No comment

Environmental Health

- 2.9. The application relates to the increase in the number of consented houses for these plots from 10 to 12. I, therefore, have no additional comments to make in respect to this application.

Neighbour comments

- 2.10. No letters of representation have been received.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1. The site lies within the development limits of Selby and within Flood zone 3.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.2. The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

Selby District Core Strategy Local Plan

- 3.4. The relevant Core Strategy and saved Policies are:
- SP1: Presumption in Favour of Sustainable Development;

- SP2: Spatial Development Strategy;
- SP4: Management of Residential Development in Settlements
- SP9: Affordable housing;
- SP18: Protecting and Enhancing the Environment;
- SP19: Design Quality

Selby District Local Plan

- 3.5. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states "In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".
- 3.6. The relevant Selby District Local Plan Policies are:
- ENV1: Control of Development
 - T1: Development in Relation to the Highway
 - T2 : Access to Roads
 - SEL/2: Land for housing development between Abbots Road/Selby Bypass, Selby

Other Policies and Guidance

- Affordable Housing Supplementary Planning Document
- NYCC Interim Parking Standards 2015

4.0 APPRAISAL

- 4.1. The main issues to be taken into account when assessing this application are:
- Principle of development
 - Character
 - Affordable housing
 - Access and parking
 - Flood risk
 - Community infrastructure
 - Environmental Statement

Principle of development

- 4.2. The site is within the development limits of Selby, which as the principal town within the District remains the Core Strategy's *"focus for new housing, employment, retail, commercial and leisure facilities."* The site is allocated for development by Local Plan policy SEL/2 and has an extant permission, a product of the 2005 outline planning permission for the allocation as a whole and the subsequently (implemented) reserved matters permission for Phases 3E, F and G dating from 2015.

Character

- 4.3. The revised proposal will blend seamlessly with the established character of the estate, maintaining a rich mix of house types and sizes and adhering to a now well-established set of urban design principles, consistent with the objectives of Core Strategy Policies SP2, SP4 and SP19, and Local Plan Policy ENV1.

Affordable housing

- 4.4. The section 106 agreement concluded in association with the outline planning permission for this development requires the proportion of affordable housing within the development to be agreed on a phase-by-phase basis. For Phase 3 the proportion was fixed in 2010 at 20%. As a full application this proposal takes us back to first principles and the presumption established by Core Strategy Policy SP9 that up to a maximum of 40% of dwellings within a development of this scale will be provided as affordable housing, subject to negotiations *“having regard to abnormal costs, economic viability and other requirements associated with the development.”*
- 4.5. In this case, given that the applicant’s business case for Phase 3 has been based upon the initial agreement to a 20% contribution, it seems reasonable to maintain that commitment for the number of dwellings originally agreed and only to revisit that figure for any increase in dwellings. The applicants have accepted that approach and have committed to the principle of a 40% contribution for any dwelling over and above the 560 agreed by way of reserved matters for Phase 3. This will require a section 106 agreement (or deed of variation to the existing section 106 agreement) and, taking into account existing commitments, will result in a total of 13 affordable dwellings within Phase 3G.

Access and parking

- 4.6. The proposals meet the North Yorkshire County Council’s *Interim Parking Standards 2015* and the local highway authority has raised no objection to the application. As such the proposals are judged compliant with the Local Plan Policies T1 and T2 and the relevant criteria within Policy ENV1.

Flood risk

- 4.7. The application site lies within Flood Zone 3, which is at highest risk of flooding. It is an allocated development site, although not one that has been allocated through the Sequential Test required by the NPPF. Therefore, given that this is a full application which takes us back to first principles, it would ordinarily require a bespoke Sequential Test to establish compliance with national planning policy on flood risk. However, that it is clearly not warranted in this case; the site is in the heart of an established housing estate and already has an extant planning permission. Therefore, the pragmatic approach would be to maintain the mitigation established in that extant consent. The Environment Agency has not commented on this application (it falls outside of the circumstances in which it has to be consulted), but it has commented on the concurrent full application for Phase 3F (also on the agenda) and has raised no objection subject to the proposed development proceeding in accordance with the Flood Risk Assessment submitted as part of the accompanying Supplementary Environmental Statement. And that recommends that within Flood Zone 3 finished floor levels (FFL) should be set a minimum of 600mm above existing ground levels. This is now shown on an additional drawing.

Community infrastructure

- 4.8. As a full application the development will be liable to CIL. This may end up effectively duplicating part of some of the financial contributions hardwired into the existing section 106 agreement for the development, although the applicants may be able to seek a commensurate reduction of sums still to be paid (or repayment of sums paid, but not yet spent) through a future request for a deed of variation. However, this is by no means guaranteed and the applicants appreciate the risk.

Environmental Statement

- 4.9. The Supplementary Environmental Statement (ES) has updated the original assessment of Staynor Hall's likely environmental impact across a range of factors. Most of the impacts are already mitigated by design principles established in the outline planning permission and the associated section 106 agreement. These include: (a) physical works such as access to the site and the provision of public open space; and (b) financial contributions towards a new school (now built and operational) and a new community hall. The supplementary ES identifies no new impacts, although it does justify the re-imposition of certain planning conditions which appear on earlier permissions.

Financial Issues

- 4.10. The applicant's viability assessment has been independently scrutinised and the lower than normal contribution towards affordable housing proposed in this case is considered to be justified by the abnormal costs bearing upon the development.

5.0 CONCLUSION

- 5.1. This is a full application for the re-planning of an extant consent for Phase 3G of the Staynor Hall development, including an additional two dwellings. The applicant's main objective with this proposal is to adjust the mix of unit types to reflect current market demand.
- 5.2. The principle of development in this area remains consistent with the spatial strategy of the Core Strategy, and the changes will blend seamlessly with the established character of the estate, maintaining a rich mix of house types and sizes and adhering to a now well-established set of urban design principles, consistent with the objectives of Core Strategy Policies SP2, SP4 and SP19, and Local Plan Policy ENV1.
- 5.3. Affordable housing is proposed to be applied at the rate of 20% up to the number of units committed by the extant consent and 40% thereafter. This is judged to be consistent with the objectives of Core Strategy Policy SP9.
- 5.4. The proposals meet the North Yorkshire County Council's *Interim Parking Standards 2015* and the local highway authority has raised no objection to the application. As such the proposals are judged compliant with the Local Plan Policies T1 and T2 and the relevant criteria within Policy ENV1.

- 5.5. The application site lies within Flood Zone 3, but flood risk can be mitigated by a condition, as can outstanding issues in respect of foul and surface water raised by Yorkshire Water.
- 5.6. The Supplementary Environmental Statement identifies no new impacts, although it does justify the re-imposition of certain planning conditions which appear on earlier permissions.

6.0 RECOMMENDATION

6.1. APPROVE subject to:

- a. a Section 106 agreement (or deed of variation) to bring forward the relevant obligations from the agreement concluded in association with the outline planning permission for Staynor Hall with amendments to secure affordable housing at the rates of: (i) 20% for the number of units equivalent to the extant consent relating to this site; and (ii) 40% thereafter; and
- b. the following conditions:
1. The development for which permission is hereby granted shall be begun within a period of 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:
 - 3G_100_FA, Site Location Plan
 - 3G_001_FA Revision B, Proposed Site Layout
 - 3E,F&G_002 Revision E, Proposed Materials Layout
 - 11644-5002-352 Revision E, External Works Layout Plan (Met Engineers)
 - Staynor Hall / RS / A3-Planning / 01, The Roesberry Housetype Planning Layouts
 - Staynor Hall / RS / A3-Planning / 02, The Roesberry Housetype Planning Elevations
 - Staynor Hall / HT / A3-Planning / 01, The Hatfield Housetype Planning Drawing
 - Staynor Hall / HA / A3-Planning / 01, The Hanbury Housetype Planning Drawing
 - Staynor Hall / CAC / A3-Planning / 01, The Clayton Corner Housetype Planning Drawing
 - Staynor Hall / CA / A3-Planning / 01, The Clayton Housetype Planning Drawing
 - Staynor Hall / BI / A3-Planning / 01 Revision B, The Bickleigh Housetype End Terrace / Semi Detached Planning Drawing
 - Staynor Hall / BI / A3-Planning / 02 Revision A, The Bickleigh Housetype Mid Terrace Planning Drawing

Reason: To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Selby District Local Plan Policy ENV1.

3. The materials to be used in the construction of the exterior walls and roof(s) of the houses and garages hereby approved shall be as shown on approved drawing no. 3E,F&G_002 Revision E.

Reason: In the interests of visual amenity and in order to comply with policy ENV1 of the Selby District Local Plan.

4. No individual house shall be first occupied until its associated off-street parking as shown on the approved Proposed Site Layout (drawing 3G_001_FA Revision B) has been constructed and made available for use.

Reason: To ensure the timely provision of adequate off-street parking.

5. None of the houses hereby approved shall be first occupied until a landscaping scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (i) planting plans; (ii) written specifications and schedules of proposed plants noting species, planting sizes and proposed numbers/densities; (iii) an implementation timetable; and (iv) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme. Thereafter, the approved landscaping scheme shall be implemented and maintained in accordance with the agreed details and timetable.

Reason: In the interests of the character and appearance of the area having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

6. None of the houses hereby approved shall be first occupied until the means of enclosure to its entire plot boundary has been completed in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: In the interests of the character and appearance of the area having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

7. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the local planning authority. Furthermore, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

8. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any

balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

Contact Officer: Andrew Martin

Appendices: None