



**Report Reference Number:** 2018/1346/FULM

**To:** Planning Committee  
**Date:** 24th April 2019  
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**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1346/FULM	PARISH:	North Duffield
APPLICANT:	Daniel Gath Homes	VALID DATE: EXPIRY DATE:	3rd December 2018 4th March 2019
PROPOSAL:	Proposed erection of 14 dwellings and creation of new access		
LOCATION:	Land At The Paddocks York Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	GRANT SUBJECT TO COMPLETION OF S106		

The application is one of four related applications that have been submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appear on this agenda. This application has been brought before Planning Committee as the application is contrary to the requirements of the Development Plan. However, officers consider that there are material considerations which would support the recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located outside the defined development limits of North Duffield extending to the west behind properties known as Orchard House, Lilac House and Mandale House. The site is broadly rectangular and amounts to 0.8 hectares of overgrown garden and unused paddock which, according to the submitted Planning Statement, has been the subject of low level vandalism. The access from York Road, which is also proposed to serve the remainder of land

known as The Paddocks and the subject of other current applications referred to above, is shown between Mandale House and Lilac House.

- 1.2 The land is generally flat but drains naturally towards Moses Drain which forms its western boundary across which is open agricultural land. To the north, the site boundary is defined by a hedge with some trees beyond which is the village playing fields including a clubhouse and play area. Land to the south of the application site, marked by a line of mature trees and a timber fence, comprises further areas of paddock land in different ownership, apparently little used and the subject of the current applications referred to above.
- 1.3 There are no physical features of note within the main body of the site but a number of mature broad-leaved trees exist on the boundaries many of which are to remain with some being of poorer quality and to be managed and/or replaced. To the east, beyond those properties immediately neighbouring the site and across York Road, there are more mainly detached houses before the main body of the village which lies to the south.

### **The Proposal**

- 1.4 The application seeks planning permission for 14 detached and semi-detached houses comprising 2, 3 and 4 bedroomed homes. The Planning Statement accompanying the application describes the proposal as a key element of Phase 1 which will enable the whole area of The Paddocks to be delivered. The Statement contends that it has not been possible to deliver an earlier outline planning permission and that the current proposals for a phased and disaggregated approach will see development proceed in a timely manner and provide an opportunity for custom built development and the involvement of small and medium sized local house builders.
- 1.5 The application is accompanied by the following documents:
  - Application form, Certificate B and Agricultural Holdings Certificate
  - Drawing No: 1751 Application Site Plan and Location Plan
  - 13107-101\_2DT(1) – 2DT(4) Topographical Survey (4 Sheets)
  - Drawings showing individual plot plans and elevations
  - Drawings showing highway details
  - Drainage Strategy
  - Phase 1 Heritage Assessment (April 2015)
  - Report on Trees (December 2014) with update (November 2018)
  - Phase 1 Contaminated Land Investigation (June 2015)
  - Extended Phase 1 Habitat Survey (September 2018)
  - Viability Assessment (held as confidential)

### **Relevant Planning History**

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
- 1.7 An outline application (reference: 2015/0517/OUT) to include access and layout for residential and associated development (35 dwellings) on land to the west of York Road (The Paddocks) was approved on 3 December 2015.

- 1.8 An outline application (reference: 2018/1344/OUTM) including access (all other matters reserved) for erection of dwellings and construction of access is pending consideration and on this agenda.
- 1.9 A full application (reference: 2018/1345/FUL) for the proposed erection of self-build dwelling and construction of access road is pending consideration and on this agenda.
- 1.10 An outline application (reference: 2018/1347/OUT) to include access (all other matters reserved) for erection of 2 dwellings and construction of access is pending consideration and on this agenda.

## **2. CONSULTATION AND PUBLICITY**

All immediate neighbours were informed by letter, a site notice has been erected, an advert placed in the local press and statutory consultees notified.

- 2.1 **Parish Council** – The initial response stated as follows; The Parish Council has no objections to this development of 14 properties. We would like to see how the provision of affordable houses is addressed throughout the 4 now separate Paddocks applications.

A subsequent response stated; The Parish Council have no comment on the application.

The most recent response, following re-consultation, states; North Duffield Parish Council supports this application.

- 2.2 **NYCC Highways** – no objections and recommends conditions requiring detailed plans of road and footway layouts, the submission and approval of both a Construction Management Statement and a Travel Plan, the provision of visibility splays and a site construction access and details of surface water discharge arrangements.
- 2.3 **Yorkshire Water** – Raises no objection and requests conditions be attached to any approval requiring separate systems for foul and surface water drainage with surface water arrangements being other than existing public sewerage.
- 2.4 **Ouse & Derwent IDB** – Has no objection and recommends conditions in relation to surface water drainage and maintenance clearance adjacent to the watercourse together with details of various consents required of the Board.
- 2.5 **NYCC Lead Local Flood Authority** – Raises no objection and recommends conditions requiring submission of a detailed scheme for foul and surface water drainage.
- 2.6 **SDC Environmental Health** – Recommend a condition requiring a scheme to minimise the impact of construction on neighbouring properties.
- 2.7 **Natural England** - Considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

- 2.8 **North Yorkshire Bat Group** – No comments received.
- 2.9 **North Yorkshire Police** – Provide advice/recommendations with regard to designing out crime.
- 2.10 **NY Fire & Rescue Service** – Has no objection/observation at this outline stage and indicates comments will be made at the statutory Building Regulations stage.
- 2.11 **Vale of York CCG** – No comments received.
- 2.12 **NYCC Public Rights Of Way** – No comments received.
- 2.13 **NYCC Education** - No comments to make as the density of the site falls below the threshold for seeking developer contributions in rural areas (15).
- 2.14 **NYCC Archaeology** – Seek the submission of archaeological evaluation reports firstly by way of a geophysical survey. (Members should note that, at the time of the previous application this issue was dealt with by way of a condition).
- 2.15 **SDC Waste & Recycling** – Refers the developer to published guidance.
- 2.16 **SDC Planning Policy** – Confirms that the Council has a 5 year housing land supply but acknowledges that the existence of such cannot be a reason in itself for refusing a planning application and that an approval on this site would provide additional dwellings to the housing supply. Core Strategy Policies SP2 and SP4 seek to focus new development in the market towns and Designated Service Villages (DSVs), restricting development in the open countryside. North Duffield is defined in the Core Strategy as a Designated Service Village, which has some scope for additional residential and small scale employment to support rural sustainability. Most of the area of this proposal for 14 dwellings is on land that is adjacent to, but outside of, the defined Development Limits of North Duffield as marked on the Policies Map of the Local Plan. Hence the proposal is contrary to Policy SP2 in the Core Strategy.
- 2.17 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter, a site notice was erected and an advert place in the local press.

Twenty letters of representation have been received from members of the public raising the following issues in support of the application:

- Small scale new development will support local services and maintain viability.
- The development is sympathetic and will blend in with the village.
- The mix and variety of housing proposed.
- Limited impact on neighbouring properties.
- Support for local school, businesses and sports teams.
- Outline planning permission has been previously granted.
- The site is self-contained and development will not impact on the layout of the village.
- The development provides opportunity for smaller local builders.
- Moses Drain considered to be a natural boundary.

- The development would help balance the village layout with most recent new housing being adjoining the A163.
- The development would contribute to the Council's 5 year housing land supply within a Designated Service Village.

One letter of representation have been received from neighbouring local residents objecting to the application on the following grounds;

- Loss of open views.
- Impact on flooding and sewerage, already considered to be a problem.

### **3. SITE CONSTRAINTS AND POLICY CONTEXT**

#### **Constraints**

- 3.1 The site is located outside the defined development limits of North Duffield, is not allocated in the Local Plan and so is therefore defined as open countryside. Development within the village to the south east of the site is mixed but largely residential in nature. The western boundary of the application site is marked by Moses Drain with agricultural land beyond. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly there is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zone 1.

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

- 3.2 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

#### **Selby District Core Strategy Local Plan**

- 3.3 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
  - SP2 – Spatial Development Strategy
  - SP5 – The Scale and Distribution of Housing
  - SP8 – Housing Mix
  - SP9 – Affordable Housing
  - SP12 - Access to Services
  - SP15 – Sustainable Development and Climate Change
  - SP16 – Improving Resource Efficiency
  - SP18 – Protecting and Enhancing the Environment
  - SP19 – Design Quality

#### **Selby District Local Plan**

- 3.4 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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).”*

- 3.5 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- RT2 – Open Space Requirements for New Residential Development
- CS6 – Development Contributions to Infrastructure and Community Facilities

#### **Other Policies/Guidance**

- 3.6 The following are considered relevant:

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document, 2007
- North Duffield Village Design Statement, 2012

## **4. APPRAISAL**

- 4.1 The main issues to be taken into account when assessing this application are:

- The Principle of Development
- Highway Impact
- Landscape, Design and Visual Impact
- Flood Risk and Drainage
- Impact on Residential Amenity
- Biodiversity and Ecology
- Impact on Heritage Assets
- Ground Conditions
- Affordable Housing
- Recreational Open Space
- Other Issues

#### **The Principle of Development**

- 4.2 On 10 August 2018, the Director of Economic Regeneration & Place formally endorsed an updated five year housing land supply methodology and resultant housing land supply figure of 6.5 years, as set out in the 2018-2023 - Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a

positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site (if its deliverability can be proved by the applicant) would provide additional dwellings to the housing supply.

- 4.3 It is noted that this site was previously included as part of the 5 year supply under outline permission 2015/0517/OUT for 35 dwellings, however its loss from the supply would not have a significant effect on the 6.5 year supply, which represents a surplus of 768 (without the 35 dwellings) as of 1 April 2018.
- 4.4 Paragraph 12 of the NPPF re-emphasises that the Development Plan is the statutory starting point for decision-making, adding that where a planning application conflicts with the up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.5 The previous outline permission (2015/0517/OUT), covering a larger site that included the land in this application, was granted when the Council could not demonstrate a deliverable 5 year supply of housing land and was therefore determined without the relevant Local Plan policies being given any weight as they were considered to be out of date. However the outline permission expired in December 2018 and so the principle of development for this proposal must be considered again but this time with the full range of Local Plan housing land supply policies carrying full weight.
- 4.6 CS Policies SP2 and SP4 focus new development in the market towns and Designated Service Villages (DSVs), restricting development in the open countryside. Other than the accesses which run between existing houses fronting York Road, this proposal is on land that is immediately adjacent to but outside of the defined Development Limits of North Duffield as shown in the Local Plan. Hence the proposal is contrary to CS Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material circumstances indicate otherwise.
- 4.7 CS Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. The policy sets a minimum target up to 2027 of 2000 dwellings for DSVs as a whole which, the most recent monitoring indicates, has been exceeded by completions and permissions in these settlements as a whole. However, the CS does not set a minimum dwelling target for individual DSVs, so it is not possible at this point to ascertain exactly whether North Duffield has exceeded its dwelling target.
- 4.8 As a guide, for the purpose of consultation only, the Council put forward various growth options for the DSVs as part of the development of PLAN Selby in 2014 and 2015 and at that time the research indicated minimum growth options of between 11-36 dwellings for North Duffield. To date, North Duffield has seen 12 dwellings built in the settlement since the start of the Plan Period (10 net) in April 2011 and has extant approvals for 25 dwellings (25 net), giving a gross total of 37 dwellings (35 net). This is at the upper end of what the DSV growth options study assessed

as being a sustainable amount of growth over the plan period. The proposed development would increase the number of dwellings beyond this.

- 4.9 Taking into account the range of growth options identified for North Duffield, the scale of this individual proposal is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village. However the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in the village that have occurred since the start of the plan period. Also, other applications for land at The Paddocks are currently under consideration and appear elsewhere on this agenda.
- 4.10 When assessing the impacts of a housing scheme the effects on the settlements character, infrastructure capacity (including schools, healthcare and transport) and sustainability must also be considered.
- 4.11 North Duffield contains a public house, a village hall, a Methodist Chapel, a general store including Post Office, a primary school and sport and recreation facilities which include playing fields. The village also benefits from a bus service to York and Selby, albeit this offers limited services. Consequently, in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement it can be considered as being in a sustainable location. A number of those making representations have stressed the need for new housing to support and maintain the viability of the existing services and facilities.
- 4.12 In granting the previous outline consent, and notwithstanding the policy context existing at the time, the Council considered that the development of the land known as The Paddocks, of which this application forms part, was acceptable in respect of all matters of acknowledged importance and would bring economic, social and environmental benefits to North Duffield. The current conflict with up to date Development Plan policies in respect of the settlement boundary does, however, suggest that planning permission should now be refused. As mentioned above, Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF does however state that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The material considerations that weigh in favour of the proposal are considered below.
- 4.13 The NPPF, at Paragraph 38, encourages decision-makers to seek to approve applications for sustainable development where possible and, at Paragraph 59, to support the Government's objective of significantly boosting the supply of housing by bringing forward a variety of land for development. The Framework goes on to state that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. The applicants have indicated that an early start on site would be possible should permission be granted such that new homes would be delivered earlier than with some extant permissions elsewhere in the District. As recognised above in the Planning Policy response, planning permission should not be refused solely on the grounds that the Council has a 5 year housing land supply – a position repeated by numerous appeal Inspectors.



- 4.14 Given the nature and scale of the proposal, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of housing. The site has been previously assessed as being an appropriate location for housing and been included in the Council's supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development but minimum dwelling targets have not been set. Those representations received from third parties in support of the application, together with those of the agent, suggest that North Duffield has seen a relatively small amount of new development in recent years and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that viability of numerous services and facilities would be enhanced. It is still necessary, however, to consider whether those other matters of acknowledged interest still weigh in favour of the development or not.

### **Impact on Highway Safety**

- 4.15 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1(2), T1 and T2 and CS Policy SP15. NYCC Highways have stated that there has been pre-application discussions regarding this site and there were no objections at that stage and it was agreed that the access road would be put forward for adoption (Section 38 Agreement) and a plan was submitted to NYCC Highways Officers which was considered agreeable in terms of road adoption and access onto York Road. Consequently the Local Highway Authority has recommended that conditions are attached to any permission granted. These conditions relate to:

- Detailed plans of road and footway layout
- Construction of roads and footways prior occupation of dwellings
- Discharge of surface water
- Site construction access
- Visibility splays
- Travel plans
- Construction Management Statement

- 4.16 Given the Highway Authority's comments, it is not considered that the scheme will result in any adverse impact on the highway network or compromise highway safety such that it is acceptable in highway terms and accords with relevant Local Plan policies.

### **Landscape, Design and Visual Impact**

- 4.17 The site is located outside of the Development Limits for North Duffield, in the countryside, and CS Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment. It is therefore important to determine the impact the proposed scheme has on its surroundings. The PLAN Selby evidence document "Settlement Setting Landscape Assessment" (October 2015) finds that the overall landscape assessment for the area to which the application relates is of medium sensitivity to development. It also assesses the settlement edge to be of moderate importance to protect from development.

- 4.18 As mentioned above, development has already occurred between the defined Development Limits of the village and Moses Drain and, together with the development proposed in the current applications for The Paddocks, could be considered to represent a more natural and clearly identifiable boundary for expansion of the village to the west.
- 4.19 There are a number of significant broad-leaved trees which occur on the field boundaries around the site and these are to remain. There are other trees and intermittent hedgerows which are of poor quality which would be managed or replaced. The boundary between the application site and the playing fields to the north is formed by a substantial hedge which will provide an effective screen to the northern edge of the development which would not therefore intrude into views approaching the village from the north. The submitted plans indicate that new tree planting will take place to either replace those to be lost in the middle of the site or to supplement those to be retained. The applicant has submitted a Tree Survey which states that the majority of trees are located on the perimeter of the site, are of moderate to low quality but offer screening and a good level of amenity. The report also recognises that trees on site would benefit from remedial tree work (pruning and removal of deadwood and ivy) which would benefit their general health and vigour and that some trees would also benefit from being crown lifted to ensure useable space is available under the trees for general amenity as part of the overall development.
- 4.20 The submitted layout plan is considered acceptable. The immediate area is characterised by a wide range of house types, development forms and materials. Residential development adjoining the site to the east is all 2-storey, predominantly detached, mostly relatively modern housing and generally constructed from red/brown brickwork with pantile or slate roofs. The submitted plans show that the proposed houses would be built using similar materials to those found locally and would provide a mix of 8 different house types. It is not considered that the proposed houses would be prominent in views from any of the approaches to the village and the proposed form and setting within retained trees would maintain the current visual character of the village edge. The approach taken by the applicant conforms with the North Duffield Village Design Statement which looks to ensure that new development fits in with the context of the village and identifies “core themes of detached houses and brick construction materials”.

### **Flood Risk and Drainage**

- 4.21 The application site is located in Flood Zone 1 (low probability of flooding). The application confirms that with respect to surface water run-off drainage this would be directed to sustainable drainage systems utilising soakaways. A new pumping station is proposed towards the middle of the northern boundary to take foul water to the existing sewer in York Road. Yorkshire Water, the relevant Internal Drainage Board and NYCC as Lead Local Flood Authority have all been consulted. Notwithstanding the letter of objection suggesting existing problems with flooding and sewerage, no concerns or objections have been raised subject to the inclusion in any permission of conditions requiring further detailed schemes for both foul and surface water.

## **Impact on Residential Amenity**

- 4.22 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by SDLP Policies ENV1 (1) and ENV2 and Paragraph 200 of the NPPF. The initial layout has been the subject of revision following concerns regarding the original location of the proposed pumping station and the relationship with existing properties on York Road. Some revisions have also addressed potential overlooking between proposed dwellings. The layout is now considered to be acceptable with separation distances between existing and proposed dwellings exceeding normally acceptable minimum standards and acceptable separation distances being achieved between proposed houses. It is considered that appropriate relationships have therefore been achieved to ensure that no significant detrimental impact would arise.
- 4.23 The access into the application site is proposed to run between Lilac House and Mandale House. It is considered that there is an adequate separation distance between the two existing dwellings and the proposed access road and that there would not be a significant detrimental impact on the residential amenity on these two existing dwellings as a result of the proposed access road.
- 4.24 Having taken into account the matters discussed above it is considered that the proposal would not result in any significant harm to the residential amenities of either existing or future occupants in accordance with relevant Local Plan policies.

## **Biodiversity and Ecology**

- 4.25 The application site is not protected, formally or informally, as a site for nature conservation. The applicant has submitted an ecological survey prepared by Wold Ecology which concludes that the proposed development is unlikely to impact upon any protected species or associate habitats. The consultation response from Natural England concurs with this view. The report from the ecological consultants makes recommendations for the installation of bird and bat boxes which the applicants have indicated would be acceptable and could be the subject of a planning condition. The proposal is considered to be acceptable in terms of its impacts on nature conservation interests.

## **Impact on Heritage Assets**

- 4.26 The applicant has submitted a Heritage Assessment which states that there are no Designated Heritage Assets (Scheduled Ancient Monuments, Conservation Areas, Listed Buildings, Registered Battlefields or Historic Gardens) within or bordering the proposed application site. It goes on to refer to what could be considered to be non-designated Heritage Assets within the proposed application site, namely the historic landscape characterisation as an area of Post-medieval Parliamentary Enclosure and evidence of Ridge and Furrow cultivation. The report does, however, conclude that there are no cultural heritage or archaeological reasons to prevent development.
- 4.27 The County Archaeologist has made representations suggesting that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the

development proposal upon their significance. It is also suggested that this work should be undertaken prior to a decision being taken on the application. However, when the earlier outline application was considered and approved, the Council considered that the information provided within the desk based study provided sufficient information to understand the nature of the archaeology to allow the use of a condition for archaeological recording prior to development. The NPPF requires that a balanced judgement be made regarding the possible effect of an application on the significance of a non-designated asset having regard to the scale of any harm and the significance of the asset. Given the nature of the assets concerned it is again considered that, on balance, any harm to the non-designated asset would be outweighed by the benefits of the proposal and an appropriately worded planning condition is recommended.

### **Ground Conditions**

- 4.28 The application is accompanied by a Phase 1 Contaminated Land Investigation prepared by The YES Consultancy @ The City of York Council (who now act as the Council's consultant on such matters). This report states that there has been no past industrial activity on the site and no evidence of land contamination has been observed. Whilst this report dates from 2015, the submitted Planning Statement confirms that there has been no activity on the site that could have changed the conditions of the land. A closed landfill site is located approximately 200m to the north east of the site, however it can be concluded that the application site poses a low contaminant risk and the proposals are therefore acceptable with respect to contamination.

### **Affordable Housing**

- 4.29 CS Policy SP9 states that the Council will seek to achieve 40% affordable housing within overall housing delivery and, in pursuit of this aim, will negotiate for on-site provision of affordable housing on those market housing sites at or above the threshold of 10 dwellings consistent with the provisions of the NPPF. The actual amount of affordable housing to be provided is a matter for negotiation at the time of a planning application having regard to economic viability.
- 4.30 The applicant has submitted a Viability Assessment which concludes that the scheme cannot deliver any affordable homes. The Council has engaged an independent valuer to consider and report on the Assessment but, at the time of writing this report, the final report is awaited and Members will be updated at the meeting. Irrespective of the outcome of the independent valuation, the applicant has confirmed that they are prepared to offer 4 of the proposed dwellings as affordable homes, amounting to 28%, to be secured via a Section 106 agreement. This offer follows agreement being reached between the landowners and the applicant and is on the basis that 2 of the dwellings would be discounted market sale dwellings and 2 would be available for rent. This approach has recently been accepted by the Council elsewhere in the District. The proposals are therefore considered acceptable with respect to affordable housing provision having regard to CS Policy SP9 and subject to the satisfactory completion of a Section 106 Agreement.

### **Recreational open space**

- 4.31 Policy in respect of the provision of recreational open space is provided by SDLP Policy RT2, CS policies SP12 and SP19 together with the Developer Contributions

Supplementary Planning Document. The submitted layout plan does not incorporate any on-site recreational open space as part of the development. The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for 60sqm per dwelling to be provided on site which, in this case, would equate to 840sqm. Policy RT2 (b) states that the following options would be available subject to negotiation and the existing level of provision in the locality;

- provide open space within the site;
- provide open space within the locality;
- provide open space elsewhere;
- where it is not practical or not deemed desirable for developers to make provision within the site the district council may accept a financial contribution to enable provision to be made elsewhere.

- 4.32 The applicant has agreed to transfer land, considered to be in excess of that required for the development planned for the whole of the land known as The Paddocks, to the Parish Council for use as allotments. The agent has confirmed that the land in question has already been provided with a new access, car park and water supply and will be transferred on the granting of planning permission for what is described as Phase 1 of the development of The Paddocks (this application together with 2018/1345/FUL and 2018/1347/OUT which also appear on this agenda). This scheme is considered acceptable in compliance with policy RT2 and will be secured through a Section 106 Agreement.

## **Other Issues**

- 4.33 SDLP Policy ENV1 and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. North Yorkshire County Council Education have confirmed that no contribution is required towards education provision as the application falls below the relevant threshold for seeking contributions. With respect to healthcare, no response has been received from the Vale of York CCG and no contribution is being requested. With respect to Waste and Recycling a contribution of £65 per dwelling would be required and this would therefore be secured in a Section 106 Agreement.
- 4.34 CS Policies SP15 and SP16 seek to promote development that is sustainable, addresses climate change and improves resource efficiency. An appropriately worded condition is included in the recommendation to ensure compliance with these policies

## **5. CONCLUSION**

- 5.1 The proposed scheme is for 14 dwellings and is on land outside the development limits of North Duffield which is a Designated Service Village. The proposal is contrary to CS Policy SP2A(c) and so is not in accordance with the Development Plan and should be refused unless material considerations indicate otherwise.
- 5.2 One such material consideration is the NPPF which states that proposals for housing should be considered in the context of the presumption in favour of

sustainable development and which seeks to boost the supply of housing. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would also bring additional residents to the area who in turn would contribute to the local economy through supporting local businesses and facilities.

- 5.3 The proposals achieve a social role in that they would deliver levels of both open market and affordable housing in North Duffield, promoting sustainable and balanced communities and would assist the Council in maintaining a 5 year supply of housing land. The applicant is also proposing that land be transferred to the Parish Council for use as allotments which are believed to be a welcome provision locally.
- 5.4 The proposals take into account environmental issues such as ecology and biodiversity, flooding and impacts on climate change. Due to the presence of local services within North Duffield and access to public transport, the need to travel by car can be reduced. The proposals are also considered to be acceptable in respect of the access, layout, impact upon residential amenity, drainage and contamination in accordance with adopted Local Plan policy. It is, therefore, acknowledged that the development would bring significant economic, social and environmental benefits to the village of North Duffield and that there would be no harm to matters of acknowledged importance.
- 5.5 Notwithstanding the conflict with the adopted and up-to-date settlement boundary, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of housing. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development and the application land has been assessed as being an appropriate location for housing and has been included in the Council's 5 year housing land supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. It has been suggested that North Duffield has seen a relatively small amount of new development in recent years, particularly when compared to other DSVs, and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that the viability of numerous services and facilities would be enhanced.
- 5.6 In recommending that the Committee approve this application, Members are requested to recognise that the application is not in accordance with the Development Plan but that the nature and extent of the material considerations justify a decision that is contrary to the provisions of the Plan. Thus, subject to the recommended conditions and the conclusion of the planning obligation as outlined, the material considerations as set out in this report outweigh the conflict with the Development Plan such that planning permission should be granted.

## **6. RECOMMENDATION**

This application is recommended to be GRANTED subject to the completion of a S106 Agreement and the following conditions:

01. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

02. The development hereby permitted shall be carried out in accordance with the following approved and dated plans and documents:

- 1751 Application Site Plan and Location Plan/a
- 1751 Site Plan 500/k
- 1751 Topographical survey
- 1751 Plot 1 plans/a
- 1751 Plot 1 elevations/a
- 1751 Plot 2 and Plot 6 plans
- 1751 Plot 2 and Plot 6 elevations
- 1751 Plot 3 and Plot 4 plans
- 1751 Plot 3 and Plot 4 elevations
- 1751 Plot 5 and Plot 11 plans
- 1751 Plot 7 plans
- 1751 Plot 7 elevations
- 1751 Plot 8 and Plot 9 plans
- 1751 Plot 8 and Plot 9 elevations
- 1751 Plot 10 plans/a
- 1751 Plot 10 elevations/a
- 1751 Plot 12 and Plot 13 plans
- 1751 Plot 12 and Plot 13 elevations
- 1751 Plot 14 plans/b
- 1751 Plot 14 elevations/c
- 1751 Single Garage Plan and elevations
- 1751 Double Garage Plan and elevations
- 1751 Site 200 sheet 1 200/k - Highway details and finished floor levels
- 1751 Site 200 sheet 2 200/k- Highway details – junction with York Road
- 1751 Road Long section
- 1751 Highway Cross sections

C-50 Drainage Strategy (Detailed drainage proposals)

Phase 1 Heritage Assessment (April 2015)

Report on Trees (December 2014) with addendum report (November 2018)

Phase 1 Contaminated Land Investigation (June 2015)

Extended Phase 1 Habitat Survey (September 2018)

Viability Assessment & Appendices (November 2018)

Reason: For the avoidance of doubt.

03. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- a). the parking of vehicles of site operatives and visitors;
- b). hours of construction working
- c). loading and unloading of plant and materials;
- d). storage of plant and materials used in constructing the development;
- e). the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f). wheel washing facilities;
- g). measures to control the emission of noise, vibration, dust and dirt during construction;
- h). a scheme for recycling/disposing of waste resulting from demolition and construction works;
- i). delivery, demolition and construction working hours.

Reason: This condition is necessary in order to address construction management issues before works commence and in the interests of protecting the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1, ENV2, T1 and T2.

04. No demolition, building, engineering or other operations shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:

- The programme and methodology of site investigation and recording
- Community involvement and/or outreach proposals
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition, building, engineering or other operations shall take place other than in accordance with the approved Written Scheme of Investigation

Reason: This condition is necessary in accordance with Section 12 of the NPPF



(paragraph 141) and Plan Policy ENV28 as the site is of archaeological significance.

05. No development shall commence above slab level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate materials are used in the interests of the visual amenity of the area in accordance with Plan Policies ENV1 and SP19.

06. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Plan Policy ENV2.

07. The development shall be carried out in accordance with the landscaping details shown on approved Drawing 1751 14 plots site 500/k and the recommendations set out in the submitted Tree Survey (2014) and Arboricultural Report – Addendum (2018).

Reason: In the interests of amenity having regard to Plan Policy ENV1.

08. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenity having regard to Plan Policy ENV1.

09. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree / root protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed.[In this condition “retained tree” means an existing

tree which is to be retained in accordance with the approved plans and particulars.]

Reason: In the interests of amenity having regard to Plan Policy ENV1.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - the proposed highway layout including the highway boundary
    - dimensions of any carriageway, cycleway, footway, and verges
    - visibility splays
    - the proposed buildings and site layout, including levels
    - accesses and driveways
    - drainage and sewerage system
    - lining and signing
    - traffic calming measures
    - all types of surfacing (including tactiles), kerbing and edging.
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
    - the existing ground level
    - the proposed road channel and centre line levels
    - full details of surface water drainage proposals.
  - c. Full highway construction details including:
    - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
    - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
    - kerb and edging construction details
    - typical drainage construction details.
  - d. Details of the method and means of surface water disposal.
  - e. Details of all proposed street lighting.
  - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  - g. Full working drawings for any structures which affect or form part of the highway network.
  - h. A programme for completing the works.
- The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

#### INFORMATIVE

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to

avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason: In accordance with Plan Policy ENV1 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

11. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: In accordance with Plan Policy ENV1 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

12. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In accordance with Plan Policy ENV1 and in the interests of highway safety.

13. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason: In accordance with Plan Policy ENV1 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

14. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road (York Road) from a point measured 2.4 metres down the centre line of the access road. Once created, these

visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Plan Policy T2 and in the interests of road safety.

15. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- a. the appointment of a travel co-ordinator
  - b. a partnership approach to influence travel behaviour
  - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
  - d. provision of up-to-date details of public transport services
  - e. continual appraisal of travel patterns and measures provided through the travel plan
  - f. improved safety for vulnerable road users
  - g. a reduction in all vehicle trips and mileage
  - h. a programme for the implementation of such measures and any proposed physical works
  - i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.
- The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: In accordance with Plan Policy SP15 and to establish measures to encourage more sustainable non-car modes of transport.

16. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible. No part of the development shall be brought into use until the approved drainage works have been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

17. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and, in order to prevent overloading, surface water is not discharged to the foul sewer network.

18. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with

the Local Planning Authority. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

Reason: To maintain access to the watercourse for maintenance or improvements.

19. No above ground works of the development shall be commenced until either it has been demonstrated that at least 10% of the energy requirements supply of the development for that phase has been secured from decentralised and renewable or low-carbon energy sources; or an alternative to reduce energy consumption, such as a 'fabric first' approach, has been agreed with the local planning authority. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be first submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be implemented in accordance with the approved details and timetable and retained, maintained and retained thereafter.

Reason: In the interest of sustainability, to minimise the impact of development in accordance with Plan Policy SP16.

20. No development shall commence above slab level until a scheme for the provision of bird and bat boxes as recommended in the submitted Extended Phase 1 Habitat Survey (2018) has been submitted and approved by the local planning authority. The approved scheme shall be implemented prior to the occupation of any dwelling.

Reason: In the interests of nature conservation and in order to comply with Plan Policies ENV1 and SP18.

#### INFORMATIVES:

Under the terms of the Land Drainage Act.1991 and the Ouse & Derwent Internal Drainage Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

## **7. Legal Issues**

### **7.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

### **7.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### **7.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the

conflicting matters of the public and private interest so that there is no violation of those rights.

**8. Financial Issues**

Financial issues are not material to the determination of this application.

**9. Background Documents**

Planning Application file reference 2018/1346/FULM and associated documents.

**Contact Officer:** Gary Bell, Principal, Planning Officer

**Appendices:** None