

**Officer Update Note  
Planning Committee 24 April 2019**

**Item 5.1**

APPLICATION NUMBER:	2018/1346/FULM	PARISH:	North Duffield Parish Council
APPLICANT:	Daniel Gath Homes	VALID DATE: EXPIRY DATE:	3 December 2018 30 May 2019
PROPOSAL:	Proposed erection of 14 dwellings and creation of new access		
LOCATION:	Land At The Paddocks York Road North Duffield Selby		
RECOMMENDATION:	MINDED TO APPROVE		

Since the report was written:

- All pre-commencement conditions have been agreed with the applicant as required by Section 100ZA of the Town and Country Planning Act 1990.
- As stated in paragraph 4.30 of the report, the Council has engaged an independent valuer to consider the Viability Assessment submitted with the application which concludes that the scheme cannot deliver any affordable homes. The valuer has disagreed with the submitted Assessment and has suggested that 5 (amounting to 35.7%) affordable units can be provided. Again as stated in the report, the applicant has offered to provide 4 (28%) affordable homes notwithstanding the conclusions of the submitted Viability Assessment. In responding to the valuer's findings, the applicant has challenged or provided legitimate alternative approaches to some of the valuer's conclusions and has re-affirmed that the offer of 4 affordable homes remains. Officers have considered the various differences, which include such matters as likely development revenue, build cost, marketing and legal costs, and are of the opinion that the offer of 4 affordable homes is reasonable and acceptable on this particular occasion. The difference between the valuer's findings and the submitted Assessment amounts to a single unit and a number of the elements involved can be said to rely on assumptions being made at a point in time which may change dependent upon a range of factors.
- The Section 106 to be completed before a decision is issued on this application will make provision for the agreed affordable housing, the transfer of land to the Parish Council for use as allotments in lieu of on-site recreational open space and the provision for waste and recycling.
- Condition 02 should refer to drawing number C-50 Rev D as opposed to C-50 and Condition 10e should read "Details of all proposed street lighting" with no repetition.

## Item 5.2

APPLICATION NUMBER:	2018/1345/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Mrs Jennifer Hubbard	VALID DATE: EXPIRY DATE:	28 November 2018 30 May 2019
PROPOSAL:	Proposed erection of self-build dwelling and construction of access road		
LOCATION:	Land At The Paddocks York Road North Duffield Selby		
RECOMMENDATION:	APPROVE		

Since the report was written:

- All pre-commencement conditions have been agreed with the applicant as required by Section 100ZA of the Town and Country Planning Act 1990.
- At paragraph 4.29 of the report, it is stated that a commuted sum will be secured towards affordable housing provision off-site. However, the NPPF makes it clear at Paragraph 64 that development that is proposed “by people who wish to build or commission their own homes” should be exempt from the requirement to provide for affordable housing. As the proposed development is a self-build project, no financial contribution should be sought. Given this, and the fact that there is no policy requirement for the provision of recreational open space (notwithstanding the offer of land being transferred to the Parish Council for use as allotments), it is not necessary to require the completion of a Section 106 Agreement in relation to this application and, consequently, the recommendation to Members is that the application be GRANTED subject to the conditions as listed and revised as explained below.
- Condition 07 should read “Masterplan Landscape” as opposed to Masterplan Landscape and Condition 10e should read “Details of all proposed street lighting” with no repetition.

### Item 5.3

APPLICATION NUMBER:	2018/1347/OUT	PARISH:	North Duffield Parish Council
APPLICANT:	Mrs Jennifer Hubbard	VALID DATE: EXPIRY DATE:	26 November 2018 30 May 2019
PROPOSAL:	Erection of up to 2 single storey custom-build dwellings and construction of access from York Road		
LOCATION:	Land At The Paddocks York Road North Duffield Selby		
RECOMMENDATION:	APPROVE		

Since the report was written:

- All pre-commencement conditions have been agreed with the applicant as required by Section 100ZA of the Town and Country Planning Act 1990.
- Condition 9e should read “Details of all proposed street lighting” with no repetition.

#### Item 5.4

APPLICATION NUMBER:	2018/1344/OUTM	PARISH:	North Duffield Parish Council
APPLICANT:	Mr & Mrs J E White & Mrs J Hubbard	VALID DATE: EXPIRY DATE:	26 November 2018 30 May 2019
PROPOSAL:	Outline application including access (all other matters reserved) for erection of dwellings and construction of access from York Road		
LOCATION:	Land At The Paddocks York Road North Duffield Selby		
RECOMMENDATION:	MINDED TO APPROVE		

Since the report was written:

- All pre-commencement conditions have been agreed with the applicant as required by Section 100ZA of the Town and Country Planning Act 1990.
- At paragraph 4.30 of the report, it is stated that “It would be prudent to include a requirement for a policy-compliant contribution in a Section 106 Agreement at this stage” in relation to education provision. This is incorrect as the provision of Primary and Secondary School Education to accommodate growth appears on the Council’s Regulation 123 List and, as such, will be funded through Community Infrastructure Levy receipts and not through Section 106 Agreements. The Section 106 to be completed before a decision is issued on this application will make provision for a policy-compliant scheme for affordable housing (to be submitted with any subsequent reserved matters application), the transfer of land to the Parish Council for use as allotments in lieu of on-site recreational open space and the provision for waste and recycling.
- Condition 11e should read “Details of all proposed street lighting” with no repetition.