

**North Yorkshire Council**

**Community Development Services**

**Richmond (Yorks) Area Constituency Planning Committee**

**11<sup>th</sup> January 2024**

**22/00143/MRC - Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%**

**And**

**21/01877/MRC - Application for variation of condition 2 (approved plans to allow for the inclusion of 5no bungalows to the East boundary and affordable provision for the site to be reduced to 30% - new plans submitted for planning layout, footpath locations, boundary treatment drawings, materials layout, street scenes and typical sections) following grant of planning permission ref: 16/02756/REM for Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017**

**At: Kier Living Tanton Fields Development, Land to the North and West of Woodlands Walk, Tanton Road, Stokesley, North Yorkshire**

**On Behalf of Mr Stephen Jones**

**Report of the Assistant Director Planning– Community Development services**

**1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to set out changes in the applicant's circumstances with regard to the delivery of the scheme and its relationship to the above two applications, in order to seek an amended Committee resolution and allow changes to the description of development.
- 1.2 The original reports are appended for information and clarity.

**2.0 SUMMARY**

- 2.1 This report references an on-going development of 225 houses at Tanton Road, Stokesley. Planning Permission in outline was originally granted at appeal, subject to a requirement for 50% affordable housing.
- 2.2 Planning Committee has previously resolved in March 2022 to grant planning permission for planning applications reference 21/01877/MRC and 22/00143/MRC which effectively sought to amend the original layout and house types, in order to improve the layout and the impact on neighbouring amenity. The applications also sought to reduce the percentage of affordable housing from 50% to 30%.
- 2.3 The description of development in the two applications along with the Committee Resolution, effectively tied the delivery of the two revised applications, together. In other words, the reduction in affordable housing was only considered acceptable on the basis of the revised and improved layout.

- 2.4 The applicant has implemented the revised and improved layout but is not currently seeking the revision to the affordable housing offer. The applicant has implemented the revised and improved layout (21/01877/MRC) but it is not currently seeking the revision to the affordable housing offer (22/00143/MRC)
- 2.5 On the basis of the descriptions of development and the Committee resolution which tied the two applications together a small amendment to the resolution is required to enable the issue of 21/01877/MRC which amends the layout.

**RECOMMENDATION:** That the Committee resolve to grant planning permission for 21/01877/MRC in accordance with Section 12 of this report and that matters pertaining to 22/00143/MRC are delegated to officers on the understanding that the affordable housing quotient remains at least 30% in accordance with the previous Committee resolution.

The Committee reports from March 2022 are appended to this update as Appendix A and Appendix B.

22/00143/MRC

02/01/2024



Civic Centre, Stone Cross, Rotary Way,  
Northallerton DL6 2UU

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### **3.0 PRELIMINARY MATTERS**

3.1 Access to the case file on Public Access can be found here:

[File Link for 21/01877/MRC](#)

[File Link for 22/00143/MRC](#)

### **4.0 DESCRIPTION OF PROPOSAL**

4.1 It is proposed that the Description of Development for 21/01877/MRC is amended as set out below:

21/01877/MRC

Application for variation of condition 2 (approved plans to allow for the inclusion of 5no bungalows to the East boundary ~~and affordable provision for the site to be reduced to 30%~~ new plans submitted for planning layout, footpath locations, boundary treatment drawings, materials layout, street scenes and typical sections) following grant of planning permission ref: 16/02756/REM for Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017

The description of development for 22/00143/MRC remains unchanged.

Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%

### **5.0 PLANNING POLICY AND GUIDANCE**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

5.2 The Adopted Development Plan for this site is:

- Hambleton Local Plan, February 2022
- York and North Yorkshire Minerals and Waste Plan, February 2022

Emerging Development Plan - Material Consideration

5.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

5.4 Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance

### **6.0 CONSULTATION RESPONSES**

6.1 No further consultation has been undertaken in respect to this update.

## **7.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)**

This update is not subject development changes that would result in the requirement for Environmental Impact Assessment.

## **8.0 MAIN ISSUES**

8.1 The key considerations in the assessment of this application are:

- To agree changes to the Committee resolution and whether this has any material impact on the assessment of the proposed development.

## **9.0 ASSESSMENT**

- 9.1 Since the Committee resolution to approve applications 21/01877/MRC and 22/00143/MRC sales of market units on the development have been relatively poor and the as a result the applicant has been looking at alternatives for the completion of delivery on the site, which would be driven by the affordable housing offer. Whilst the overall profit is not as great, it significantly changes the cash flow dynamics of the development increasing deliverability.
- 9.2 The revisions to the scheme in terms of the layout have been implemented on site, importantly with two storey dwellings replaced with bungalows, along the east boundary with Woodlands Walk, which was set out to improve the amenity relationship with neighbouring properties. The fact that the revised scheme has been built out, significantly decreases any risk to the Council. Members had been concerned at the time of the earlier resolution that it was possible that the reduction in affordable housing could be implemented in the absence of the improvements to the layout and thereby sought to tie the two applications.
- 9.3 The applicant is seeking to de-link the affordable housing changes and the layout changes, in order that either 50% or 30% affordable housing could be delivered.
- 9.4 It is noted that the requirements for affordable housing are dealt with through the Outline Planning Permission (condition 10), subject of the appeal and are not otherwise referenced in the Reserved Matters application which governs the layout, house types etc.
- 9.5 The outcome of this is to remove reference to the affordable housing percentage in the revised Reserved Matters application and approve the new layout and house-types. This permission can then be issued, the implemented layout becomes authorised and the associated units can be sold to a Registered Provider as affordable housing.
- 9.6 The applicant would then have a permission for the changes to the layout, which would be subject to 50% affordable housing in accordance with condition 10 on the outline planning permission.
- 9.7 The applicant is looking to wait until later in 2024 to review matters pertaining to affordable housing on the site, leaving the percentage unchanged at 50% for the time being.
- 9.8 On this basis it is recommended that matters pertaining to 22/00143/MRC are delegated to officers on the basis that not less than 30% affordable housing be delivered.

## **10.0 PLANNING BALANCE AND CONCLUSION**

- 10.1 It is concluded that the proposed amendments result in no material change from the earlier Committee resolution but allow the amended and improved layout to be delivered at a rate of 50% affordable housing or at the previously agreed lower rate of 30%.

## 12.0 RECOMMENDATION

12.1 That application 21/01877/MRC be **GRANTED** subject to the conditions set out below.

and

12.2 That application 22/00143/MRC be delegated to officers for **APPROVAL** along with the relevant accompanying deed of variation, allowing no less than 30% affordable housing.

### Recommended Conditions for 21/01877/MRC

Condition 1 - The development hereby permitted shall be begun within two years of 14 July 2017.

Reason: To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

Condition 2 - The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below received by Hambleton District Council on 14 October 2021 and 28 January 2022 unless otherwise approved in writing by the Local Planning Authority:

Location Plan – 1641.06 Rev A  
Landscape Masterplan – R/1939/1L  
Landscape Details – R/1939/10A  
Landscape Details – R/1939/9A  
Landscape Details – R/1939/8A  
Landscape Details – R/1939/7A  
Landscape Details – R/1939/10A  
Landscape Details – R/1939/6A  
Landscape Details – R1939/5A  
Landscape Details – R1939/4A  
Street Scene and Section – 1641.SS.02  
Street Scene and Section – 1641.SS.02  
1641-G01 single  
1641-G02 double  
1641-G03 double  
pyramid roof  
1641-G04 triple  
1641-G05 quad  
HOLMEWOOD\_Rev B-1  
HOLMEWOOD\_Rev B-2  
HORSHAM\_Rev B-1  
HORSHAM\_Rev B-2  
HORSHAM\_Rev B-3  
HORSHAM\_Rev B-4  
KENILWORTH\_Rev A-1  
KENILWORTH\_Rev A-2  
MAPLEFORD\_Rev A-1  
MAPLEFORD\_Rev A-2  
NORTHWOOD\_Rev A-1  
NORTHWOOD\_Rev A-2  
OAKFORD\_Rev A-1  
OAKFORD\_Rev A-2  
OAKWOOD\_Rev A-1  
OAKWOOD\_Rev A-2

STEN U\_Rev A  
STEN Y\_Rev A-1  
STEN Y\_Rev A-2  
THORNTON\_Rev A.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.

Condition 3 - Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "December 2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 4303, and ensure that surface water discharges to the 825mm surface water sewer crossing the site at a maximum restricted rate of 10 l/sec.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and Development Policy 43 of the adopted Hambleton Local Development Framework.

Condition 4 - No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason: In order to ensure that the external materials are appropriate in this case and in order to comply with the requirements of policy DP32 of the adopted Local Development Framework.

Condition 5 - 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: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (i) dimensions of any carriageway, cycleway, footway, and verges; (ii) drainage and sewerage system; (iii) lining and signing; (iv) traffic calming measures; and (v) 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 (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals; (c) Full highway construction details including (i) 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; (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (iii) kerb and edging construction details; and (iv) 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) Details of proposed landscaping; and (i) 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.

Reason: In accordance with Local Development Framework policy DP3 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.

Condition 6 - Within 3 months of the date of this permission a scheme shall be submitted to and approved by the Local Planning Authority for the extension of the street lighting system between the site access onto Tanton Road and the junction of Tanton Road with B1365. The approved scheme shall be implemented within three months of the approval of the scheme.

Reason: In the interests of highway safety.

Condition 7 - Within three months of the date of this permission a survey and scheme for footpath surfacing works to Footpath Ref No:10.140/2/2 running northwards from North Road, passing to the east of Neasham House Farm to the development boundary, as shown on Drawing Stokesley Footpath 10.140/2/2, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out a schedule for the completion of the approved scheme.

Reason: In order to ensure that there is a sustainable pedestrian route to local services.

Condition 8 - Within 3 months of the date of this permission a landscape and boundary treatment scheme shall be submitted to and approved by the Local Planning Authority, designed to mitigate for loss of privacy to the East, Woodlands Walk boundary opposite plot 99 and plots 103 to 108 and to the south boundary opposite plots 110 to 112 and plots 142 to 164. The boundary details and landscaping shall then be implemented within 3 months of the approval of these details.

Reason: In order to protect residential amenity.

Condition 9 - Prior to any pile driving taking place a scheme for the protection of amenity and property shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved scheme. The scheme shall cover matters including but not limited to:

- Schedule of proposed piling
- Piling technique to be used, including justification
- Details of neighbour consultation to be carried out
- Noise mitigation measures to be included
- Monitoring of noise and vibration
- Process for neighbour complaint and response

Reason: In order to protect residential amenity.

Condition 10 - Notwithstanding the requirements of the Town and Country Planning (General Permitted Development) Order, any extension, alteration or ancillary building within plot 99 and plots 103 to 108, shall take place without the benefit of a formal application for Planning Permission.

Reason: In order to protect residential amenity.

**APPENDICES:** Appendix A – March 2022 report – 21/01877/MRC  
Appendix B – March 2022 report – 22/00143/MRC

**Target Determination Date:** 25 April 2022

**Case Officer:** Mr Peter Jones, peter.jones@northyorks.gov.uk



**Parish: Stokesley**  
Ward: Stokesley  
**2**

Committee Date : 10 March 2022  
Officer dealing : Mr Peter Jones  
Target Date: 26 October 2021  
Date of extension of time (if agreed):

**21/01877/MRC**

**Application for variation of condition 2 (approved plans to allow for the inclusion of 5no bungalows to the East boundary and affordable provision for the site to be reduced to 30% - new plans submitted for planning layout, footpath locations, boundary treatment drawings, materials layout, street scenes and typical sections) following grant of planning permission ref: 16/02756/REM for Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017. At: Tanton Fields Development land to the North and West of Woodlands Walk, Tanton Road, Stokesley For: Tilia Homes.**

This application was presented to and deferred from the Planning Committee at the 10<sup>th</sup> February 2022 meeting, alongside application 21/00143/MRC. The deferral was to allow the Council to obtain an independent assessment of the applicant's viability appraisal and to allow for further information to be obtained in relation to the implications resulting from the change of ownership of the site.

Further information on the scheme viability will be provided to the meeting. This will be assessed against the policies in the new Local Plan in the update sheet for Members. The report previously considered and deferred by Members is set out as follows:

- 1.0 Site, Context and Proposal
- 1.1 Outline planning permission for up to 226 dwellings was granted on appeal in September 2015. Reserved matters approval was subsequently approved on 14 July 2017 under 16/02756/REM.
- 1.2 All matters were reserved for subsequent approval at the outline stage, with the exception of access. The Reserved matters application was for 225 units. An indicative master plan showing plot positions, landscaping, roads and footpaths was submitted with the original outline application (14/00337/OUT) as part of the Design & Access Statement.
- 1.3 The application site comprises an area of 9.31ha with a developable area of 6.88 ha. The reserved matters application included 225 units. The applicant at that time committed to a minimum of 50% affordable dwellings on site.
- 1.4 This application seeks a modification to the layout of the site, in particular to include 5 bungalows in replacement of 7 two storey units. An additional plot is then added at plot 124A resulting in the development now being for 224 units. The changes to the layout have come about following the identification of amenity impacts resulting from the change in levels on the site to the west of Woodlands Walk. The proximity of the approved two storey dwellings was

considered to result in a significant impact on the amenity of the neighbouring occupiers and as such the Council entered into negotiation with the developer, seeking to mitigate the identified harm.

- 1.5 Owing to changes to the layout of the development, including the provision of the bungalows now included in the scheme, along with other viability issues, the developer is seeking to reduce the affordable housing provision from 50% to 30%, in line with the expectations of the emerging Local Plan. Whilst dealt with in this report, the reduction in the affordable housing offer also requires an amendment to Condition 10 attached to the outline planning permission, which necessitates a separate modification of condition application which is dealt with specifically, in another report on this agenda.
- 1.6 The modification of condition process only allows us to look at the changes proposed and does not allow for a wholesale review of the permission. As such, whilst this report does look at wider issues raised by third party representations, the changes to the scheme are restricted to the alteration in the affordable housing offer and the switch of two storey units for bungalows, to the immediate west of Woodlands Walk.
- 1.7 The first phase of the development has been completed to the eastern section of the site and development of the remainder of the site is on-going. It is clear that completions on this site have been very slow and the length of time that the development has taken to construct has been a significant problem for local residents who have complained about the on-going noise and vibration from the site.
- 1.8 The main vehicular access into the site is off Tanton Road along the eastern site boundary. A second vehicle access is located at the south eastern corner of the site leading from The Acres, a residential road which is part of the adjacent housing development to the south of the application site. These details were approved at the outline stage and included in the reserved matters approval. A public footpath crosses the centre of the site in a north-south direction and a second public footpath runs alongside the site's western boundary. There are three distinct areas of open space, one in the far north western corner, one to the south of the central woodland area and a smaller area in the north eastern corner, adjacent to the proposed access into the site from Tanton Road. A green "bat link" and footpath is also included linking the southern part of the site with the Tanton Grove Southern Plantation.
- 2.0 Relevant Planning and Enforcement History
- 2.1 14/00337/OUT - Outline application for a residential development of up to 226 dwellings with associated access (with all other matters reserved); Refused 30 May 2014, appeal allowed 7 September 2015 following a Public Inquiry.
- 2.2 16/02756/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017.

- 2.3 17/00788/FUL - Creation of a landscaped embankment adjacent to the residential development site boundary (16/02756/REM) to provide a landscaped buffer.
- 2.4 19/00730/NMC - Application for non-material amendment relating to planning application 16/02756/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings.
- 2.5 20/00661/NMC - A non material amendment to previously approved application 16/02756/REM-Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings
- 2.6 20/02402/MRC - Variation of conditions attached to Planning Application Reference Number 16/02756/REM-Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings
- 2.7 22/00143/MRC – Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%. Decision Pending.
- 3.0 Relevant Planning Policies
- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Previous Local Development Framework Policies:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP7 - Phasing of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP8 - Development Limits
- Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements  
Development Policies DP11 - Phasing of housing  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP28 - Conservation  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP36 - Waste  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Policy Framework

Hambleton Local Plan

The Local Plan was adopted at the Council meeting on 22 February 2022.

National Planning Policy Framework

Matters of principle are not considered relevant owing to the applicant having a reasonable fall back position of their existing planning permission.

The following Local plan policies are considered to be relevant to this matter:

**Local Plan Policies**

S 1 : Sustainable Development Principles

S 2: Strategic Development Needs

S 3: Spatial Distribution

HG 1: Housing Delivery

HG3: Affordable Housing

HG 2: Delivering the Right Types of Homes

HG 3: Affordable Housing Requirements

E 1 : Design

E 2 : Amenity

E 3 : The Natural Environment

E 4 : Green Infrastructure

E 7 : Hambleton's Landscapes

IC 1 : Infrastructure Delivery  
IC 2 : Transport and Accessibility  
IC 3: Open Space, Sport and Recreation

RM 1 : Water Quality and Supply  
RM 2 : Flood Risk  
RM 3 : Surface Water and Drainage Management  
RM 4 : Air Quality  
RM 5 : Ground Contamination and Groundwater Pollution

#### 4.0 Consultations and Representations

##### 4.1 Stokesley Town Council

###### 1) Affordable Housing

The provision of 50% Affordable Housing was heavily emphasised by the developer, during the consideration of the original application and in the subsequent appeal as one of the scheme's merits.

Affordable Housing was covered by one of the conditions made by the Planning Inspector in his decision to approve the development in 2015 following the public enquiry held earlier that year.

In the pre-ambule to the condition the Inspector noted in Paragraph 91 of his report that *'The provision of affordable housing, secured by condition, would help offset the shortage of such accommodation in the district in compliance with Core Strategy Policy CP9, which seeks to achieve a 50% contribution in the Stokesley sub-area, and to set out a mechanism as required by Development Policy DP15. I have made some minor revisions to the wording of the condition for improved clarity. [Condition 10]'*

As the development subsequently proceeded, the applicant clearly accepted this condition and therefore considered the development to be financially viable on the specified 50% affordable housing provision. No financial analysis has been included in the current application to provide any justification for the proposed drastic reduction in the percentage of affordable housing. In the absence of such analysis this element of the application should be refused.

Stokesley Town Council would also appreciate information on how many of the affordable housing units have been completed (and occupied) to date, and how many of the 50% commitment are still to be constructed?

###### 2) Increased provision of Bungalows

This element of the application is welcomed. It provides additional bungalows to address a shortage in the availability of such properties within Stokesley. Additionally, it reduces the overlooking of properties on the neighbouring part of Woodlands Walk.

###### 3) Oakford – Change form single to double garages

No objection.

4) Change form Kenilworth to Oakford Design on 7 Plots

This changes 7 properties from 2.5 to 2 storeys and from 5 bedrooms to 4 bedrooms, therefore welcomed and no objection.

5) Reconfiguration of Plots 122 to 127 and provision of additional Plot 124A

No objection.

Further, Stokesley Town Council remain concerned about the lack of action by both HDC, as the enforcement agent, and Kier / Tilia, as the developer, to deliver the improvements required by Conditions 24 and 25 of the Planning Inspector's decision to approve the development, namely:

Street Lighting

24) No dwelling shall be occupied until a scheme, previously submitted to and approved in writing by the Local Planning Authority, for the extension of the street lighting system between the site access on to Tanton Road and the junction of Tanton Road with B1365 has been implemented in accordance with the approved details.

Stokesley Footpath 10.140/2/2

25) Development shall not commence until a survey and scheme for footpath surfacing works to Footpath Ref No:10.140/2/2 running northwards from North Road, passing to the east of Neasham House Farm to the development boundary, as shown on Drawing Stokesley Footpath 10.140/2/2, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the first dwelling on the site.

Neither of these improvements are included in the above application. Therefore, in the absence of any revisions to the applications to incorporate these improvements, it would appear that enforcement action is urgently required to ensure these conditions are met without any further delay.

Site levels have been a sensitive issue and a major cause of concern throughout the development of this site. This resulted from the requirement that finished floor levels on the development should be a minimum of 67.5 metres above ordnance datum, i.e. above the height of neighbouring land with respect to the existing housing on Woodlands Walk and Peacocks Close. In order to achieve a satisfactory relationship with neighbouring properties, a condition was imposed requiring floor levels to be agreed between the Local Planning Authority and the developer. In the earlier stages of the development this topic has been the cause of extensive debate between residents of Woodland Walk, the LPA and the developer. Therefore, it is critical the spotlight of attention falls on this element of the current application.

Drawing No.1641.04 Rev. F is the key reference document. However, this fails to provide the necessary clear information required to make an informed assessment of this element of the application. The scale of the drawing is shown as '1:100 / 150'. However, within the drawing information is only provided that Section D-D is 1:150, no information on the scale of the



remaining three sections is given. Neither are any specific height details provided for any of the sections.

The drawing also notes 'as built levels are +/- 500mm to shown'. Given the impact that a 500 mm increase in height would have on the overlooking of existing properties, and the size of the specific increase in site / floor levels agreed with the LPA, this is an unacceptable and unduly lenient tolerance and should be rejected by the LPA. (e.g. if the site level height increase agreed was 2 metres, the 500 mm tolerance equates to a 25% tolerance – modern civil engineering techniques provide much more accuracy than this.) Earlier phases of the project have been characterised by debates between residents, the LPA and the developer on the actual built site levels and whether they match the agreed drawings. Therefore, the Town Council urges the LPA to be particularly vigilant, once site levels and tolerances have been agreed, to ensure the 'built' levels match the agreed 'drawing' levels. This is in the context of residents' reports that current site levels are 1.5 to 2 metres higher than those given in the drawing.

Any increase in the site levels greater than those specified in the agreed drawings will only exacerbate the issues of overlooking and loss of privacy to existing householders of properties in Woodlands Walk and Peacocks Close.

#### 1) Proximity of New Dwellings to Existing Properties

The LPA is requested to verify on site the distance from existing dwellings, including extensions, where built on to original dwellings, given on the drawings to ensure that the relevant planning guidelines / regulations are satisfied. Given the previously expressed concerns relating to site levels this is a sensitive local issue with regards to overlooking and loss of privacy.

#### 2) Suggestions

Depending on the LPA assessment of the issues raised in the previous two sections then alternative planning options may need to be considered by the LPA and developer to establish a mutually acceptable solution. These may include alternative boundary treatments, or, in the case of certain plots adjacent to Peacocks Close, the provision of bungalows in place of two-storey dwellings – a solution that the developer has already proposed in this application to resolve similar issues in respect of properties on the eastern boundary of the site.

4.2 Northumbrian Water – No comments to make.

4.3 Ramblers – No objections to the proposal but notes that despite contact with the site agent the footpath across the site has not been maintained open.

4.4 Third Party Representations:

14 Objections have been received on the grounds summarised below:

- The proposed landscaping is insufficient to resolve the issues raised.
- Sparsity of information on the submission in terms of levels.
- Security implications of the footpath.
- Loss of privacy
- Submission is mis-leading in terms of levels

- Properties behind Peacocks Close and Jacksons Drive should be replaced with bungalows.
- The site levels should be reduced or bungalows incorporated.
- Landscaping and boundary treatments need more consideration, in particular the planting of evergreens.
- Reduction in affordable housing is not acceptable.

2 Letters of support has been received on the ground summarised below:

The replacement bungalows will be less intrusive on privacy

## 5.0 Analysis

5.1 The principles behind the development of this site are set out in the Inspector's decision in relation to the outline approval for development (14/00337/OUT).

5.2 The assessment of this application need only consider the changes to the scheme and cannot review other matters pertaining to the application that have not been put forward by the applicant.

5.3 The main issues to consider in the determination of the this application are: (i) the housing mix, type and tenure, including affordable housing provision; (ii) public open space provision; (iii) highway safety; (iv) drainage and flood risk and; (v) design and layout, including impact on residential amenity

Housing mix, type & tenure and affordable housing

5.4 The housing mix is not intended to change significantly as a result of the current proposals. However, the revisions will remove 7 two storey dwellings and replace them with 5 bungalows.

5.5 Condition 11 of the outline planning permission states: "At least 5% of the dwellings hereby permitted, both market and affordable, shall comprise 2 bedroom bungalows". This requirement continues to be met in the revised submission through the provision of 17 two bedroom bungalows, comprising 9 affordable units and 8 open market units. Therefore, having regard to the above, it is considered the proposal would continue to provide an appropriate quantity of two-bedroom bungalows.

5.6 The complete mix and unit percentages is set out below. The mix results in over 60% 2 and 3 bed housing and includes 8 1 bed houses in the affordable mix, which have been shown to meet a significant local need. It is considered that the proposed revised mix meets the locally identified need and is considered acceptable.

## Housing Mix

Affordable		Percentage Affordable or Market	Percentage Total
1 bed	8	12%	3.5%
2 bed	41	61 %	18.2%
3 bed	18	27 %	8%



Total	67		
Market			
2 bed	31	20%	13.7%
3 bed	58	37%	25.7%
4 bed	61	39.1%	27%
5 bed	6	3.9%	2.6%
Total	156		
Overall Mix			
1bed	8		3.6%
2 bed	72		32.3%
3 bed	76		34%
4 bed	61		27.3%
5 bed	6		2.7%
2 bed bungalows	17		7.6%

- 5.7 The other main change is to reduce the percentage of affordable housing from 50% agreed at the time of the outline approval, to 30%, which would bring the affordable housing offer in line with emerging policy contained within the draft local plan.
- 5.8 The applicant has submitted a viability appraisal with the application which sets out the viability position of the approved scheme and that of the revised scheme, on the basis that the revised scheme, replacing 7 two storey dwellings with 5 bungalows will have a detrimental impact on viability.
- 5.9 The supporting information submitted indicates that the current development is significantly below the expected level of developer profit with only a 2.4% net margin on Gross Development Value shown as achievable. The applicant suggests that at this level there is a significant risk that any marginal increase in costs would result in the site losing money. They consider that such a low net margin is not sustainable and needs to be addressed to ensure the build out can progress without interruption.
- 5.10 The appraisal shows the revised outcome when the proposed layout changes are introduced, and the affordable levels reduced. This results in an increase in the net margin on GDV to 9.8%. Whilst this is a significant increase it still is notably below the level expected by funders and other interested parties. However, the applicant acknowledges there is a balance to be struck between ensuring the development can proceed and still providing sufficient affordable housing. Consequently, the decision was made by the applicant to keep affordable housing at 30% given this still delivers a substantial amount of housing and is at a level in line with emerging policy (Policy HG3), which is at an advanced stage.
- 5.11 It is clear from the applicant's submission that the approved scheme lacked viability with significantly less than the usual expected 20% developers profit being achieved. The proposed amendment to the scheme further reduces the

developers profit resulting from the development. The applicant has requested that the affordable housing contribution be reduced from 50% to 30%. It is clear from their submission that even at the 30% rate of affordable housing, the developers profit still sits substantially below the 20% profit expectation notwithstanding the requested changes to the layout.

- 5.12 Policy HG3 of the Local Plan sets out that within all new market housing development across the Hambleton area, a provision for 30% of affordable housing is sought by the council. The policy further goes on to identify where the requirements are not considered viable, with reasons including:

*'material considerations affecting development of the site, an alternative dwelling or tenure mix that meets local need or a lower level of provision may be acceptable. When amending the level of provision, preference will be to reduce the proportion of intermediate housing and other types of affordable home ownership first, then affordable rented housing and finally social rented housing.'*

- 5.13 Combining matters relating to viability, the changes to the scheme requested by the Council and the targets set by the Local Plan, the revised offer of 30% affordable housing is considered acceptable.

#### Public open space

- 5.14 The proposed development includes a central public open space containing a play area to required standards, beech hedge planting, avenue style tree planning and existing woodland trees. The open space would be kept primarily open. Planting around the boundary of the open space would provide slight separations and screening for the adjacent housing. New low native species shrubs would be planted along the edges of the existing plantation trees, with a native wildflower strip along the edge. This is to create a graduated edge to the existing woodland and improve biodiversity.
- 5.15 A retention basin is located within the open space as part of the drainage strategy. During the course of the application this basin has been amended in order that it can be used as a permanent part of the public open space provision by incorporating an underground attenuation solution as opposed to an open basin.
- 5.16 The Open Space, Sport and Recreation SPD reinforces the requirements of Development Policy DP37 which requires the provision of 1.38ha of amenity green space for every 1,000 people. This relates to a requirement of just over 1ha of public open space in this case. The application proposes two main areas of public open space, an informal area which is currently and will be maintained as woodland to the north of the site, along with a more formal area centrally within the site which includes the children's play area. In total provision is made for approximately 1.5ha of useable public open space. This is considered to comply with the requirements of adopted policy in this case.
- 5.17 The proposed amendments to the proposals result in no significant change to the provision of Public Open Space in the development.

## Highway safety

- 5.18 The highway layout was been partially dictated by issues around drainage and site levels and this has resulted in a more linear network than is ideal for a development of this scale and form. Much of the water attenuation is achieved through oversized pipes, located under the road network.
- 5.19 All new private dwellings have car parking in curtilage, or designated within a parking court. Detached dwellings would either have a drive to the side, leading to a garage, or have a drive to the front with an integral garage. Semi-detached dwellings would have either frontage car parking or parking down the side of the house. Mews housing generally would have car parking to the front.
- 5.20 The proposed amendments to the development result in no significant change to the road layout nor to parking details. As such it is considered that the proposed development will result in no harmful impact on road safety on, or in the vicinity of the application site.

## Drainage &amp; flood risk

- 5.21 Flooding and drainage were major considerations at the time of both the Outline and Reserved Matters approvals. The proposed amendments, whilst needing consideration in terms of drainage do not change the previously approved and in part, implemented drainage strategies.
- 5.22 Policy DP43 of the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.23 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.24 Drainage was primarily dealt with through conditions attached to the grant of outline planning permission. However, owing to the required increase in ground levels, the principles of drainage were considered at the time of the Reserved Matters application.
- 5.25 The proposed amendment to the scheme results in no significant change to the drainage strategy or layout and as a result the proposed amendments are considered to have no additional impact in terms of drainage or flooding.

## Design and layout and residential amenity

- 5.26 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.27 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.28 The National Planning Policy Framework supports this approach and states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF also sets an expectation that applicants engage with the local community in drawing up the design of their schemes.
- 5.29 This approach has been strengthened by the National Planning Policy Framework which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 5.30 The layout as such is little changed from the original permission. The drainage of the site was understood to be an issue from the time of the Appeal Public Inquiry and there was always an expectation that site levels would have to be raised. The drainage strategy developed this with assumptions around the gravity drainage of the site. It is also clear that the layout is in part dictated by the drainage strategy for the site, which is dependent upon large scale water attenuation within a pipe network under the road layout. In order to achieve this several long sections of straight road have been required.
- 5.31 From the entrance onto the site from Tanton Road there is a curved section of roadway adjacent to an area of public open space incorporating a SUDS feature. There is then a long straight run down to the main area of public open space. This straight run of road offers an opportunity to open up the vista to the trees associated with the public open space and provide for a more open, landscaped feel to the development.
- 5.32 The development includes a mix of mews, semi-detached and detached dwellings. The majority of proposed dwellings are two-storey with bungalows utilised and occasional larger buildings with an upper floor in the roof space in key locations. The proposals now replaces 7 two storey houses with 5 bungalows.
- 5.33 The proposed use of nine house types through the development results in a variety of built forms within the development, adding architectural interest in vistas.
- 5.34 Officers consider the proposed layout and the relationship of private and public spaces is acceptable and provides a positive townscape form within the

development, taking account of the constraints imposed by the drainage strategy.

- 5.35 The raising of ground levels across the eastern portion of the site was undertaken to facilitate a gravity solution for the drainage of the site. The developer discounted the alternative pumped solution, which would have allowed for less alteration to levels, on the grounds of cost and maintenance, and it is reasonable to consider the consequences of a pumping failure in determining whether such an approach was appropriate. The gravity solution has a lower risk of failure and the developer endeavoured to minimise the increase in levels and to mitigate the impact of the level change where possible. It is clear from representations that there remains significant concern about the levels amongst local residents and the resultant impact on residential amenity.
- 5.36 The matter of ground levels has continued to be a local cause for concern as the development of the site has progressed. The site levels to the north of Woodlands Walk were raised by approximately 2m. Whilst this was accepted at the time of the Reserved Matters application, it was clear that this resulted in a less than ideal relationship between the existing and proposed developments and continuously raised concerns amongst local residents through the construction of this part of the site.
- 5.37 More recently and through discussion between the Council and the developer, further concerns regarding the relationship between plots to the west of Woodlands Walk and the existing residencies adjacent have taken place in an attempt to improve the physical relationship between the new and existing development. This work has been done, bearing in mind the drainage issues that have been addressed by the scheme to date and which resulted in the raised land levels across the site.
- 5.38 The proposed amendment to the scheme removes a number of two storey properties located to the west of Woodlands Walk and replaces them with 5 bungalows. This results in a significant improvement in the relationship in terms of overlooking, which, when combined with planting to the boundary of the site is considered to result in an acceptable relationship in terms of amenity impacts from overlooking. The Council also sought an amendment to plot 99 which is located immediately to the west of 9 Woodlands Walk. However, this plot had already been sold and as such it was not possible to seek an amendment to this house type, to further improve the relationship to neighbouring properties. Plot 99 is located 10m from the boundary of 9 Woodlands Walk and approximately 18m meters from window to facing window. 9 Woodlands Walk has a conservatory to the rear, which would be impacted by the proposed development.
- 5.39 Further mitigation has been explored with the developer and the owner of 9 Woodlands Walk. However, owing to the limited space between Plot 99 and the boundary of the site, along with the potential overshadowing that would result from additional tree planting, there is considered to be little that can be achieved to improve this situation. The proposed amendments significantly mitigate the impact on neighbouring residents to Woodlands Walk, although,

owing to the significant raising of the land, there remains a residual impact in terms of privacy from the access road.

- 5.40 The applicant has submitted a number of sections through the site, including the height and position of adjacent neighbours, in order to illustrate the physical relationship and the potential impact on neighbouring residential amenity. These sections include not only the area of change covered by this application, but also the area to the north of Peacocks Close and Jackson Drive, noting that this area is not subject to change at this time.
- 5.41 The plots located to the north of Peacocks Close and Jacksons Close will also be on raised ground. Clearly the original Outline permission envisaged an increase in ground levels of no less than 0.65m. The approved scheme increased the levels of the ground along this part of the site by approximately 1m and the proposals do not change this scenario. It should be noted that the original submission of this current application incorrectly showed the finished floor levels of the properties opposite 12 Peacocks Close as being at the same level. This has been corrected and the finished floor level of the adjacent property is approximately 1m higher than 12 Peacocks Close and approximately 16.5m away in a gable to rear elevation relationship.
- 5.42 Properties on Peacocks Close and Jackson Drive do not have a uniform relationship to their boundary, with properties both backing directly onto the site and properties with their gables facing the site. Generally, those properties which back onto the site have a window to window distance of 22m or more, with one property at 28 Jacksons Drive approximately 19m to a rear extension. This property is at an angle to the adjacent plot and as such the reduced distance is considered acceptable.
- 5.43 Concern has been raised about the relationship of a number of properties in the vicinity of Jackson Close and Peacock Drive, in particular number 12 Peacocks Close. This property is one of the closest to the site boundary at 6m between the gable of the existing property and the garden boundary of plot 161 and approximately 16.5m between the gable and the rear elevation of plot 161, noting also that the finished floor level of plot 161 is approximately 1m above the finished floor level of number 12 Peacocks Close. Whilst there is potential for a loss of amenity, particularly to the rear garden of 12 Peacocks Close, there is proposed a 1.8m close boarded fence to be erected between the two properties. There is also a gap between the two garden boundaries of approximately 5m. It is considered that this is sufficient to protect the amenity of 12 Peacocks Close. The site section shows that the gardens of the plots located on raised ground, slope gently down to the boundary and as such there is no significant step between the application site and neighbouring properties.
- 5.44 A similar situation prevails at number 15 and number 36 Jacksons Drive, and a similar conclusion is reached.
- 5.45 It is considered that owing to the physical relationship between the proposed and existing development, that the proposals do not result in any significant loss of amenity to neighbouring residents. Again, it must be understood that



this application seeks only amendments to the layout in terms of those plots to the west of Woodlands Walk.

Other matters

- 5.46 The Parish Council has raised various compliance issues with regard to footpaths and lighting. These are matters that are conditional requirements of the outline planning permission and are not impacted by the proposed amendments to the proposals. Should these matters not be resolved they will be subject to enforcement procedures.

Planning Balance

- 5.47 The original permission, was granted at least in part on the premise of the delivery of 50% affordable housing. The reduction of affordable housing to 30% clearly weighs against the proposed development. However, the 30% offer is in line with the requirements of the emerging plan and in particular the Council's understanding of viability gained through the viability work carried out as part of the evidence for the new Local Plan.
- 5.48 The application proposes changes to the house types along part of the boundary of Woodlands Walk, which clearly results in an improvement to the development and results in significantly less impact than the earlier approved scheme. This is considered to weigh positively in the planning balance.
- 5.49 Concern has been expressed by occupiers of properties which do not see a benefit, resulting from the change in house types. However, this is not an opportunity to review the wider development proposals, only the changes proposed in the application. That said, the balance of the determination is considered to weigh between the improvements gained to the scheme and the loss of affordable housing from the development. Given the position of the Local Plan and the improvements gained to the development it is considered that the beneficial impacts outweigh the harm and as such the proposed amended scheme is recommended for approval.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following conditions and an amendment to the S106 agreement to reflect the change in the affordable housing contribution from 50% to 30%.

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below received by Hambleton District Council on 14 October 2021 and 28 January 2022 unless otherwise approved in writing by the Local Planning Authority:

Location Plan – 1641.06 Rev A  
Landscape Masterplan – R/1939/1L  
Landscape Details – R/1939/10A

Landscape Details – R/1939/9A  
Landscape Details – R/1939/8A  
Landscape Details – R/1939/7A  
Landscape Details – R/1939/10A  
Landscape Details – R/1939/6A  
Landscape Details – R1939/5A  
Landscape Details – R1939/4A  
Street Scene and Section – 1641.SS.02  
Street Scene and Section – 1641.SS.02

1641-G01 single  
1641-G02 double  
1641-G03 double  
pyramid roof  
1641-G04 triple  
1641-G05 quad  
HOLMEWOOD\_Rev B-1  
HOLMEWOOD\_Rev B-2  
HORSHAM\_Rev B-1  
HORSHAM\_Rev B-2  
HORSHAM\_Rev B-3  
HORSHAM\_Rev B-4  
KENILWORTH\_Rev A-1  
KENILWORTH\_Rev A-2  
MAPLEFORD\_Rev A-1  
MAPLEFORD\_Rev A-2  
NORTHWOOD\_Rev A-1  
NORTHWOOD\_Rev A-2  
OAKFORD\_Rev A-1  
OAKFORD\_Rev A-2  
OAKWOOD\_Rev A-1  
OAKWOOD\_Rev A-2  
STEN U\_Rev A  
STEN Y\_Rev A-1  
STEN Y\_Rev A-2  
THORNTON\_Rev A.

3. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "December 2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 4303, and ensure that surface water discharges to the 825mm surface water sewer crossing the site at a maximum restricted rate of 10 l/sec.
4. No above ground construction work shall be undertaken until details and



samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

5. 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:
  - (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (i) dimensions of any carriageway, cycleway, footway, and verges; (ii) drainage and sewerage system; (iii) lining and signing; (iv) traffic calming measures; and (v) 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 (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals;
  - (c) Full highway construction details including (i) 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; (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (iii) kerb and edging construction details; and (iv) 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) Details of proposed landscaping; and
  - (i) 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.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
3. To prevent the increased risk of flooding from any sources in accordance with the NPPF and Development Policy 43 of the adopted Hambleton Local Development Framework.
4. In order to ensure that the external materials are appropriate in this case and in order to comply with the requirements of policy DP32 of the adopted Local Development Framework.

5. In accordance with Local Development Framework policy DP3 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.

**Parish: Stokesley**  
Ward: Stokesley  
**1**

Committee Date : 10 Mach 2022  
Officer dealing : Mr Peter Jones  
Target Date: 25 April 2022  
Date of extension of time (if agreed):

**22/00143/MRC**

**Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%.**

**At: Kier Living Tanton Fields Development Land to the North and West of Woodlands Walk, Tanton Road, Stokesley**  
**For: Tilia Homes**

This application was presented to and deferred from the Planning Committee at the 10<sup>th</sup> February 2022 meeting, alongside application 21/01877/MRC. The deferral was to allow the Council to obtain an independent assessment of the applicant's viability appraisal and to allow for further information to be obtained in relation to the implications resulting from the change of ownership of the site.

Further information on the scheme viability will be provided to the meeting. This will be assessed against the policies in the new Local Plan in the update sheet for Members. The report previously considered and deferred by Members is set out as follows:

1.0 Site, Context and Proposals

- 1.1 This application is for the modification of condition 10, attached to 14/00337/OUT in order to reduce the percentage of affordable housing on the development from 50% to 30%. This application does not propose any other alterations to the development.
- 1.2 It should be noted that modifications to the housing mix and layout are proposed as a modification to the Reserved Matters permission (21/01877/MRC), which is considered elsewhere on this agenda.
- 1.3 The modification of condition process only allows us to look at the changes proposed and the impact of those changes and does not allow for a wholesale review of the permission.

2.0 Relevant Planning and Enforcement History

- 2.1 14/00337/OUT - Outline application for a residential development of up to 226 dwellings with associated access (with all other matters reserved); Refused 30 May 2014, appeal allowed 7 September 2015 following a Public Inquiry.
- 2.2 16/02756/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017.

- 2.3 17/00788/FUL - Creation of a landscaped embankment adjacent to the residential development site boundary (16/02756/REM) to provide a landscaped buffer.
- 2.4 19/00730/NMC - Application for non-material amendment relating to planning application 16/02756/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings.
- 2.5 20/00661/NMC - A non material amendment to previously approved application 16/02756/REM-Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings
- 2.6 20/02402/MRC - Variation of conditions attached to Planning Application Reference Number 16/02756/REM-Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings
- 2.7 22/00143/MRC – Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%. Decision Pending.
- 3.0 Relevant Planning Policies
- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Previous Local Development Framework Policies:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP7 - Phasing of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP8 - Development Limits
- Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements  
Development Policies DP11 - Phasing of housing  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP28 - Conservation  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP36 - Waste  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Policy Framework  
Hambleton Local Plan  
The Hambleton Local Plan was adopted following the Council meeting on 22 February 2022.

#### National Planning Policy Framework

The following Local plan policies are considered to be relevant to this matter:

#### Local Plan Policies

S 1 : Sustainable Development Principles  
S 2: Strategic Development Needs  
S 3: Spatial Distribution

HG 1: Housing Delivery  
HG3: Affordable Housing  
HG 2: Delivering the Right Types of Homes  
HG 3: Affordable Housing Requirements

- 4.0 Consultations and Representations
- 4.1 Stokesley Town Council –
- 4.2 Police – No comments
- 4.3 Archaeology – The field work required has been completed.
- 4.4 Third Party Representations –

2 objections received consider that the reduction in affordable housing is not acceptable. The reduction will have a harmful impact in terms of those seeking affordable housing in the locality.

1 letter of support received stating that 30% affordable housing is still significantly more than would have been expected in 2017.

5.0 Analysis

5.1 The main issues to consider are: i) the impact of the reduction in the percentage of affordable housing from 50% to 30%.

5.2 The reduction in the affordable housing offer has been applied for owing to requested amendments to the development due to amenity impacts on existing neighbouring housing. The amendments to the scheme are also subject to another amendment of condition application for the reserved matters application, which is discussed elsewhere on this agenda.

5.3 The applicant was asked to submit a supporting statement covering the issue of viability, in order for the Council to be able to understand the relative impact of the layout and house type amendments, comparatively to the reduction in the affordable housing offer, to ensure that the benefit gained from the changes to the scheme were proportionate to the benefit to the developer.

5.4 However, the applicant's submission goes further than this, looking at the viability of the development as a whole and seeking to demonstrate that, notwithstanding the changes to the proposals and the requested reduction in affordable housing, the development is only marginal in terms of viability.

5.5 Owing to some minor changes elsewhere in the development the application results in a net reduction across the site of 1 unit, reduced from 225 units to 224 units.

5.6 It is clear from the recent work carried out in support of the Local Plan that 50% affordable housing would be unlikely to be viable and hence the change in policy to a 30% target across the District.

5.7 NPPF paragraphs 34, 38 and 83 encourages the positive consideration of proposals to ensure that delivery remains viable whilst securing a design that induces a positive impact.

5.8 It is understood from the applicant's submission that the revisions to the consented development come at considerable expense to the applicant and it is recognised that they relate to changes they are not otherwise obliged to undertake. The implications of the additional costs on the scheme are significant if one considers that the scheme has been shown to be marginal in viability terms, even in the absence of the proposed alterations to the layout.

5.9 The applicant has provided an appraisal which assess both the current and revised scheme which includes the reduction in affordable housing to 30%. When reviewing this appraisal, it is important to have significant regard to the

profit margins necessary, in order to provide adequate flexibility to cover abnormal costs and also be able to secure bank or grant funding. The generally accepted position is that development of this scale should be securing a 20% profit margin, which is a common minimum threshold for securing funding, though in some situations 15% is acceptable where an affordable housing quotient is included, subject to an assessment of risk. Generally a scheme of this type with a high proportion of affordable housing would be expected to achieve a blended profit rate of between 18% and 25% again subject to risk.

- 5.10 The applicant's viability appraisal sets out the viability position of the approved scheme and that of the revised scheme, on the basis that the revised scheme, replacing 7 two storey dwellings with 5 bungalows will have a detrimental impact on viability.
- 5.11 The supporting information indicates that the current development achieves significantly below the expected level of developer profit with only a 2.4% net margin on Gross Development Value shown as achievable. The applicant suggests that at this level there is a significant risk that any marginal increase in costs would result in the site losing money and as such the development could not reconcile the requested changes to the scheme without a reduction in affordable housing. They consider that such a low net margin is not sustainable and needs to be addressed to ensure the build-out can progress without interruption.
- 5.12 The appraisal shows the revised outcome when the proposed layout changes are introduced, and the level of affordable housing reduced. This results in an increase in the net margin on GDV to 9.8%. Whilst this is a significant increase it still is notably below the level expected by funders and other interested parties. However, the applicant acknowledges there is a balance to be struck between ensuring the development can proceed and still providing sufficient affordable housing.
- 5.13 Consequently, the decision was made by the applicant to keep affordable housing at 30% given this still delivers a substantial amount of affordable housing and is at a level in line with Policy HG3.
- 5.14 It is clear from the applicant's submission that the approved scheme lacked viability with significantly less than the usual expected 20% developer's profit being achieved. The proposed amendment to the scheme further reduces the developers profit resulting from the development. The applicant has requested that the affordable housing contribution be reduced from 50% to 30%. It is clear from their submission that even at the 30% rate of affordable housing, the developers profit still sits substantially below the 20% profit expectation notwithstanding the requested changes to the layout.
- 5.15 Policy HG3 of the Local Plan sets out that within all new market housing developments across the Hambleton area, a provision for 30% of affordable housing is sought by the council. The policy goes further, to identify where the requirements are not considered viable, with reasons including:

*'material considerations affecting development of the site, an alternative dwelling or tenure mix that meets local need or a lower level of provision may be acceptable. When amending the level of provision, preference will be to reduce the proportion of intermediate housing and other types of affordable home ownership first, then affordable rented housing and finally social rented housing.'*

Housing Mix

5.16 The housing mix is little altered as a result of the proposed amendment to the affordable housing condition. However, for completeness the mix is set out below:

Housing Mix

Affordable		Percentage Affordable or Market	Percentage Total
1 bed	8	12%	3.5%
2 bed	41	61 %	18.2%
3 bed	18	27 %	8%
Total	67		
Market			
2 bed	31	20%	13.7%
3 bed	58	37%	25.7%
4 bed	61	39.1%	27%
5 bed	6	3.9%	2.6%
Total	156		
Overall Mix			
1bed	8		3.6%
2 bed	72		32.3%
3 bed	76		34%
4 bed	61		27.3%
5 bed	6		2.7%
2 bed bungalows	17		7.6%

5.17 Condition 11 of the outline planning permission states: "At least 5% of the dwellings hereby permitted, both market and affordable, shall comprise 2 bedroom bungalows". This requirement continues to be met in the revised submission through the provision of 17 two bedroom bungalows, comprising 9 affordable units and 8 open market units. Therefore, having regard to the above, it is considered the proposal would continue to provide an appropriate quantity of two-bedroom bungalows.

Planning balance



- 5.18 The original permission, was granted at least in part on the premise of the delivery of 50% affordable housing, although in a time when the Council was struggling significantly with 5 year land supply, which is no longer the case. The reduction of affordable housing to 30% clearly weighs against the proposed development. However, the 30% offer is in line with the requirements of the emerging plan and in particular the Council's understanding of viability gained through the viability work carried out as part of the evidence for the new Local Plan.
- 5.19 The application proposes additional changes to the house types along part of the boundary of Woodlands Walk, clearly this results in an improvement to the development and results in significantly less impact than the approved scheme. This is considered to weigh positively in the planning balance and is discussed in detail elsewhere on this agenda.
- 5.20 Concern has been expressed by occupiers of properties which do not see a benefit to them, resulting from the change in house types. However, this is not an opportunity to review the wider development proposals, only the changes proposed in the application. However, it is considered that the balance of the determination weighs between the improvements gained to the scheme and the loss of affordable housing from the development. Given the position of the Local Plan, the viability position expressed by the applicant and the improvements gained to the development it is considered that the beneficial impacts outweigh the harm and as such the proposed amended scheme is recommended for approval.
- 6.0 Recommendation
- 6.1 That subject to any outstanding consultations the application be **Granted** subject to the following conditions and an amendment to the Section 106 agreement to reflect the change to the affordable housing percentage from 50% to 30%.

Please note that the conditions are as set out in the Inspectors decision letter.

Conditions.

Approval of details

1) Details of the appearance, landscaping, layout and scale of the dwellings (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

2) Details of the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

3) The development hereby permitted shall comprise no more than 226 Dwellings.

4) The development shall be carried out in general accordance with the details shown on the Development Framework Plan, drawing number 2013-033100-02 Rev D and the Design and Access Statement – February 2013.

5) Access to and within the development shall be carried out in full accordance with the details shown on the Access Plans – 3065/SK001/001 and 3065/SK001/002 before the occupation of the first dwelling on the site.

Timing of implementation

6) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 18 months from the date of this permission.

7) The development shall be begun either before the expiration of:

(a) 18 months from the date of this permission; or

(b) 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Phasing

8) Prior to commencement of development a scheme outlining the phasing of development (the 'phasing scheme'), including a site layout plan identifying land uses such as formal and informal open space, hard and soft landscaping, pedestrian and cyclist access routes and infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Landscaping

9) The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy (in substantial accordance with the Framework Plan 2013-033-100-02 Rev D) to demonstrate that the landscaping proposals have taken account of, and been informed by, the existing landscape characteristics of the site and by any loss of existing vegetation on the site. The Landscape Masterplan and Strategy, following its approval by the Local Planning Authority, shall be implemented in accordance with the phasing details approved under condition 8 above.

Affordable housing

10) The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'affordable housing scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved affordable housing scheme and shall

meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The affordable housing scheme shall include:

(a) the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 30% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing Supplementary Planning Document (and/or any additional or successive relevant planning policy document adopted by the Council);

(b) a timetable for the delivery of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before the occupation of the 100 open market dwelling on site;

(c) the arrangements for the transfer of the affordable housing to an affordable housing provider and these arrangements shall be in accordance with the provisions of the Council's Affordable Housing Supplementary Planning Document (and/or any additional or successive relevant planning policy document adopted by the Council). The arrangements shall ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

(d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Housing mix

11) At least 5% of the dwellings hereby permitted, both market and affordable, shall comprise 2 bedroom bungalows.

Construction method statement

12) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority; and the approved statement shall be adhered to throughout the construction period. The statement shall provide for:

(a) the hours of work;

(b) the parking of vehicles of site operatives and visitors;

(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 dust and dirt during construction;

(h) a scheme for recycling/disposing of waste resulting from construction works;

(i) means of protection of trees and hedgerows during site preparation and construction; and

(j) access arrangements for emergency vehicles during the construction phase.

#### Sustainable drainage

13) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. This sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details of the scheme shall include:

- (a) a timetable for its implementation; and
- (b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

#### Foul drainage

14) No development shall take place until details of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the drainage works required for that building have been implemented in accordance with the approved details. The approved foul water drainage works shall be retained and managed thereafter in accordance with the approved details.

#### Archaeology

15) No development shall take place within the application site until a written scheme of archaeological investigation, including the methodology of further investigation works and a programme for the works to be undertaken (the 'archaeological scheme'), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed archaeological scheme.

#### Ground contamination

16) No part of the development shall be commenced on site unless and until:

- (a) a site investigation has been designed for the site using the information obtained from the desktop investigation (Preliminary Risk Assessment (Phase 1 Desk Study) LKC 13 1131 – February 2014. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on site;
- (b) the site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority; and
- (c) a method statement and remediation strategy, based on the

information obtained from (b) above, including a programme of works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

**Biodiversity**

17) Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and protected species including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.

18) Before any development or other operations commence, and within one month of the planned commencement of works, an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist. A copy of the assessment report shall be submitted to the Local Planning Authority and any necessary mitigation plan shall be approved, implemented (and if necessary maintained in consultation with Natural England) and confirmed in writing by the Local Planning Authority.

19) No tree/shrub clearance works shall be carried out on the site between 1 March and 31<sup>st</sup> August inclusive, in any year, unless the site has been surveyed within that period for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. If such a breeding bird protection scheme is submitted and approved the development shall thereafter only be carried out in accordance with the approved scheme.

**Boundary treatments**

20) No part of the existing boundary hedges of the site shall be uprooted or removed or reduced in height to a height below 1.5 metres (except for access) other than in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.

**Sustainable energy**

21) At least 10% of the energy supply of the development shall be secured from decentralised and renewable sources or otherwise through design measures. Details of a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submissions. The approved details shall be implemented in accordance with the approved timetable and retained thereafter.

**Provision of on-site amenity space, children's play and young people's facilities**

22) The development hereby approved shall not begin until arrangements

(including a timetable for implementation and management plan) for the provision of on-site amenity space, children's play and young people's facilities have been submitted to and approved in writing by the Local Planning Authority. The on-site amenity space, children's play and young people's facilities shall be provided in accordance with the approved arrangements and the future management transferred to a management company to be managed in perpetuity.

**Travel plan**

23) No dwelling in the development hereby approved shall be occupied until a Travel Plan based on the Framework Travel Plan ('the Travel Plan') accompanying the application has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan coordinator, who shall be in place until 5 years after the completion of the final phase of development.

The approved plan shall be audited and updated and submitted for the written approval of the Local Planning Authority at intervals no greater than 18 months.

The measures contained within the approved plan and any approved modifications shall be carried out in full.

**Street lighting**

24) No dwelling shall be occupied until a scheme, previously submitted to and approved in writing by the Local Planning Authority, for the extension of the street lighting system between the site access on to Tanton Road and the junction of Tanton Road with B1365 has been implemented in accordance with the approved details.

**Stokesley footpath 10.140/2/2**

25) Development shall not commence until a survey and scheme for footpath surfacing works to Footpath Ref No:10.140/2/2 running northwards from North Road, passing to the east of Neasham House Farm to the development boundary, as shown on Drawing Stokesley Footpath 10.140/2/2, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the first dwelling on the site.