

**North Yorkshire Council**

**Community Development Services**

**Thirsk and Malton Constituency Area Planning Committee**

**21 MARCH 2024**

**23/00348/MFUL - APPLICATION FOR THE ERECTION OF 13NO. DWELLINGS COMPRISING 7NO. THREE BEDROOM DWELLINGS, 2NO. TWO BEDROOM DWELLINGS AND 4NO. FOUR BEDROOM DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, GARAGING, PARKING AND LANDSCAPING ON LAND OFF ASPEN WAY, SLINGSBY, MALTON ON BEHALF OF W & W ESTATES**

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

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for the erection of 13no. dwellings comprising 7no. three bedroom dwellings, 2no. two bedroom dwellings and 4no. four bedroom dwellings with associated infrastructure, garaging, parking and landscaping on land off Aspen Way, Slingsby Malton.
- 1.2 The application is reported to the Area Planning Committee for determination because it is considered that significant planning issues have been raised.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to any further requirements of the Local Highway Authority and conditions (to follow) and completion of a Section 106 legal agreement with terms as detailed in Table 1 (contained within Section 10.69 of this report).**

- 2.1. The proposed development comprises the erection of 13no. dwellings comprising 7no. three bedroom dwellings, 2no. two bedroom dwellings and 4no. four bedroom dwellings with associated infrastructure, garaging, parking and landscaping.
- 2.2. The application site amounts to approximately 0.58 hectares and is land off Aspen Way, Slingsby. The site is situated north of the B1257 at the south eastern edge of Slingsby approximately 6 miles west of Malton. The site is within the development limits of Slingsby and is allocated for housing within the Development Plan.
- 2.3. The general principle of housing development on this site is established through the housing allocation (Policy SD11) in the Ryedale Plan- Local Plan Sites Document (2019) and a relatively recent grant of outline planning permission for residential development at the site.
- 2.4. The main issues through the course of the application have been the design, access, residential amenity, highway safety and drainage. It is considered that these matters have been adequately addressed.



### 3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-  
<https://planningregister.ryedale.gov.uk/caonline-applications/>
- 3.2. The site is allocated for residential development under Policies SD2 and SD11 within the Ryedale Plan- Local Plan Sites Document. The Sites Document was formally adopted by the Council in June 2019 and it forms part of the Council's statutory Development Plan.
- 3.3. The following relevant planning history has been identified for the application site and the adjacent land to the west:

ZE23/05729/MFUL- Erection of 26no. dwellings comprising 12no. two bedroom dwellings, 11no. three bedroom dwellings, 2no. four bedroom dwellings and 1no. one bedroom dwelling with associated access road, landscaping and parking. On 18 January 2024 Planning Committee resolved to grant planning permission subject to the completion of a S106 agreement.

23/00037/MREM- Erection of 26no. dwellings (outline approval 18/00686/MOUT dated 12.03.2020 refers) WITHDRAWN.

ZE23/00431/73M- Variation of conditions 19, 20, 21, 22, 23 and 48 of planning approval 18/00686/MOUT dated 12.03.2020. WITHDRAWN.

18/00686/MOUT- Residential development of up to 38no. dwellings with formation of access off Aspen Way (site area 1.75ha) - approval sought for access. APPROVED 12.03.2020. The planning permission is accompanied by a Section 106 agreement in relation to affordable housing (on-site & financial contributions including number, mix, size and tenure of affordable units) and public open space (completion, management and maintenance).

### 4.0 Site and Surroundings

- 4.1. The site the subject of the outline consent (c.1.7ha) is in two separate ownerships and this application relates to the eastern field with a residential development to be delivered on the remainder of the land to the west (under the ownership of Castle Howard Estates Limited).
- 4.2. The application site is 0.58 hectares in size and roughly rectangular shaped comprising the eastern third of the site the subject of the outline permission (see planning history at paragraph 3.3 of this report). The site is situated north of the B1257 at the south eastern edge of Slingsby approximately 6 miles west of Malton. The site is within the village development limits and forms part of the residential land allocation identified within the Ryedale Plan- Local Plan Sites Document (2019).
- 4.3. There are relatively modern housing developments to the north (bungalows on Aspen Way) and west (semi-detached two storey dwellings on Balksyde). This area is relatively open in character, with a gentle sweeping rise of land in a southerly direction to the public highway (B1257). This site is adjacent to the boundary of the Howardian Hills National Landscape (AONB) which is on the southern side of the B1257. The land to the south is open fields and a caravan and camping park is to the east.
- 4.4. The site currently comprises agricultural land used for grazing purposes and the site boundary is delineated by hedgerow planting which on the western side contains a

prominent, mature Sycamore (protected by TPO). The site is 65 metres east of the boundary of the Slingsby Conservation Area.

- 4.5. The land is classified as being both of Grade 2 and Grade 3 agricultural land in terms of its agricultural productivity and is used for grazing. The site is within Flood Zone 1.

## **5.0 Description of Proposal**

- 5.1. Full planning permission is sought for the erection of 13no. dwellings comprising 7no. three bedroom dwellings, 2no. two bedroom dwellings and 4no. four bedroom dwellings with associated infrastructure, garaging, parking and landscaping.
- 5.2. The application site is the eastern part of the outline permission site comprising approximately one third of the overall site with the western and central parts being in separate ownership and not included in this application. The application site is proposed to be developed at a density of 22 dwellings per hectare.
- 5.3. The total mix of dwellings proposed consists of: 4no. 4bed 7person units, 7no. 3bed 5person units and 2no. 2bed 4person units. The range of 13 dwellings proposed comprises two storey detached (1no.) and two storey semi-detached (12no.).
- 5.4. The dwellings are to be constructed from a mix of stone (70%) and brick (30%) with a mix of clay pantile and slate coverings to the pitched roofs.
- 5.5. The application is accompanied by detailed drawings of the individual dwelling types together with indicative street scene visuals. The dwellings would have either narrow or wide frontages ranging from 5.1 metres to 10 metres in width. The gable depths range from 8.9 metres to 9.7 metres. In terms of height the dwellings are two storey with the eaves heights ranging from 4.9 metres to 5.5 metres.
- 5.6. Each dwelling would have off-street parking and private amenity space, along with access to communal open space within the scheme.
- 5.7. Application plans identify one access connection point between the two fields/sites which would align with the northern link shown on the approved layout for application ref. ZE23/05729/MFUL (the central and western part of the outline permission site). This demonstrates how the residential development of the eastern field can be delivered with access through the central and western parts of the adjacent land (outside of application site) from the point of access from Aspen Way in line with the site Development Principles (Policy SD11).
- 5.8. The proposed site layout plan also makes provision for vehicular access to the application site direct from Aspen Way to the north (between numbers 12 and 14 Aspen Way). It is proposed that once the central and western parts of the adjacent land the subject of application ref. ZE23/05729/MFUL comes forward and the aligned northern access point is delivered, the proposed vehicular access from the eastern parcel direct to Aspen Way would then be downgraded to a pedestrian/cycle access. The applicant proposes that this is controlled via an obligation within the Section 106 legal agreement to this application or through including an appropriately worded planning condition.
- 5.9. A total of 4 of the 13 dwellings (30.7%) will be provided as affordable units and remainder of 0.55 of a unit will be paid as a commuted sum to the Council to meet the 35% policy requirement (4.55 units).
- 5.10. The 4no. affordable units comprise:

2no. 3 bed 5 person dwelling (plots 10 & 13)  
 2no. 2 bed 3 person dwellings (plots 11 & 12)

- 5.11. The application is accompanied by a Planning, Design and Access Statement; Flood Risk Assessment; Trial hole and soakaway testing report; Stage 1 Desk Study report and Hydrogeological Risk Assessment; Extended Phase 1 Habitat Survey; Preliminary Ecological Appraisal; Habitat Condition Assessment; Biodiversity Metric calculations; Arboricultural and Landscape Report; Minerals Statement; and an Archaeological Evaluation.

## 6.0 Planning Policy and Guidance

- 6.1. 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

- 6.2. The Adopted Development Plan for this site is:

Ryedale Plan- Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy  
 Policy SP2 Delivery and Distribution of New Housing  
 Policy SP3 Affordable Housing  
 Policy SP4 Type and Mix of New Housing  
 Policy SP11 Community Facilities and Services  
 Policy SP13 Landscapes  
 Policy SP14 Biodiversity  
 Policy SP16 Design  
 Policy SP17 Managing Air Quality, Land and Water Resources  
 Policy SP18 Renewable and Low Carbon Energy  
 Policy SP19 Presumption in Favour of Sustainable Development  
 Policy SP20 Generic Development Management Issues  
 Policy SP22 Planning Obligations, Developer Contributions and the Community  
 Infrastructure Levy

Ryedale Plan- Local Plan Sites Document (2019)

Policy SD2 (Residential Land Allocations) states that the site (1.71ha) has an indicative yield of 36 units although the policy acknowledges *“the precise number of residential units to be provided on each site will be determined at the planning application stage”*.

Policy SD11 (Housing Allocation) which sets out the Development Principles applicable to the site. These principles are drawn from information provided by the applicant as part of the local plan process. It states that detailed proposals for the development of the site shall include:

- An indicative yield of 36 dwellings
- comprehensive scheme for both fields, which could be phased
- retention of hedge to boundary with B1257
- retention of mature trees lining the Balk and suitable landscape/open space buffer along the western boundary of the site in order to ensure the protection of these trees

- vehicular access from Aspen Way to extend up the boundary with the eastern field, so as to ensure unfettered access of both fields
- pedestrian and cycle only access to the Balk and the Street
- Scale of buildings to be limited to one and two storey heights
- Well-designed streets and spaces
- sustainable drainage system to be integrated into design
- Technical capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- The opportunity should be taken to enhance the entrance to the village and the scale and design of the development should relate sensitively to the Conservation Area
- Appropriate archaeological evaluation and mitigation as detailed in Appendix 1
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

#### Minerals and Waste Joint Plan (MWJP) (2022)

The Minerals and Waste Joint Plan was adopted in February 2022 by North Yorkshire County Council (now North Yorkshire Council), the City of York Council and the North York Moors National Park Authority. Information about the proposed safeguarding policies and how it is proposed to use the safeguarding areas, including the consideration of applications in mineral consultation areas, can be found in Chapter 8 of the Minerals and Waste Joint Plan (MWJP).

The site is within a Minerals Safeguarding Area and the following policies contained within the MWJP are relevant:

Policy S01: Safeguarded Surface Mineral Resources

Policy S02: Developments proposed within Safeguarded Surface Mineral Resource areas

#### Emerging Development Plan – Material Consideration

- 6.3. 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 Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
  - National Planning Practice Guidance
  - National Design Guide 2021
  - Slingsby, South Holme & Fryton Village Design Statement SPD 2016

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below. Full comments are available to view on the Council's website.

#### Initial consultation

- 7.2. **Slingsby Parish Council** have serious concern regarding the phased approach of development. The initial planning application (outline approval 18/00686/MOUT dated



12.03.2020) assumed that the whole site would be developed as one phase and as such, the Parish Council had no objections. This application could be developed on a different timescale to the other application by a different developer. The new application makes no reference to the integration or timescales of the second phase of development. This raises several significant issues regarding the initial development and the completion of landscaping, utilities etc as well as the visual impact of an unfinished or incomplete site. Without guarantees that the whole site will be developed to a satisfactory standard in a timely manner, it is impossible to give the support to any part thereof.

The affordable housing provision has been placed together. To achieve better social cohesion, dispersing the affordable housing across the whole of the site would be much preferable.

In the design and access statement, it references a local farm shop. Slingsby does not have a farm shop and any development would add greater strain to the limited resources and amenities that do exist. Similarly, the local village school is currently at capacity and some children living in the parish do not have places at Slingsby school. Additional family homes at the proposed number would add even greater strain and competition for limited places.

The village has ongoing issue with surface water flooding and the addition of significant number of houses at the elevated south end of the village is likely to have increased surface flooding impacts on the lower lying areas of the village, predominantly Railway Street. The Ryedale District Plan 2013 page 109, section 6 referencing utilities in service villages identified that Slingsby had 'no current capacity' and 'upgrading will be required' with respect to sewers.

The Parish Council has a particular concern regarding the lack of detail over the future management and liability of the green spaces, trees and hedges created by both applications. There is little reference to the process by which existing trees and hedges need regular maintenance, and the new landscaping will be managed, and maintained. If it is to come under a management company with shared responsibility lying with the new residents, full planning, risk assessment and work plans (including liability and insurance details) should be defined.

There are also strong concerns from within the village as to the increased stress on already busy roads and the amount of traffic more houses will bring. Adding another access point to potentially later change to a pedestrian/cycle route will allow additional traffic further into Aspen Way increasing unnecessarily quiet cul de sac. The Balk is a relatively narrow road, which takes the majority of the traffic in and out of the village, including all heavy goods and agricultural vehicles. A positive step for the developers would have been to address this issue and look at ways of maximising the flow of traffic through the Balk.

Finally, the parish council would like to see a clearer awareness of and mitigation strategy for the buried archaeology likely to be encountered on the site. The Balk is located within a highly sensitive archaeological area, between two large, nationally important scheduled areas (NHLE Iron Age barrow cemetery to the east and NHLE 1004178 Slingsby Castle, to the west). In particular, the site lies along the line of the Iron Age trackway and barrow cemetery to the east, as identified by Historic England's Howardian Hills Aerial Mapping project (HE NMP p.15) fig.1. The trackway lies directly in the path of the proposed development, yet no mention is made of its significance in the Design and Access Statement and there are no details of the findings made during preliminary explorations of the site last year to mirror the ecology reports submitted as part of this reserved matters application. We note that Historic England as a Statutory Consultee has expressed concerns about the

absence of clear reference to archaeological mitigation under the terms of the NPPF (para 194) and the Listed Buildings and Conservation Areas Act (1990) 72(1) and 38(6) and would repeat their request for reassurance that the original archaeological conditions apply and will be adhered to in the revised proposals.

We ask the Planning Authority to take our concerns about a two-site approach very seriously as this could have a long-lasting effect on the visual amenity of Slingsby along with the residents who will have to live through a two scheme build.

7.3. **Highways North Yorkshire** request further information/amendments as follows:

- Request a swept path analysis for the proposed layout, both for service vehicle access/turning and domestic vehicle access into and out of the various private driveways.
- On-plot parking provision should be in accordance with the adopted standards- 4-beds should be provided with 3 no. car parking spaces as a minimum.
- The close proximity of the dwelling in plot 6 and car parking spaces may have an impact on access / window opening relative to vehicles being parking.
- The carriageway and footway link into the adjacent development site to the west must be of sufficient size a) to match that of the adjacent road layout, both in width and position, b) enable satisfactory and safe service vehicle access into the proposed estate road, always bearing in mind that this should be the principal route of access in compliance with the conditions and approved access plan set out on the outline planning application 18/00686/MOUT. In the opinion of the highway officer only the northern-most link needs to be safeguarded.
- Individual driveway drainage arrangements need to be shown for Plots 7 and 8.

7.4. **Housing Services** Supports the delivery of 35% affordable homes (4 out of the 13 dwellings). A commuted sum of 0.55 of a unit is required to complete the provision and a further additional financial contribution equivalent to a further 5%. The proposed mix of house types reflects local housing need and the developer has agreed that the units would meet nationally described space standards (NDSS). The Council's Housing Officer requests that the tenure is 1 x 3 bedroom unit as Intermediate/Shared Ownership tenure with the rest social/affordable rent.

7.5. **Archaeology Section** Recommend archaeological mitigation recording and conditions.

7.6. **North Yorkshire Education Authority** the impact on education provision has been assessed and an education financial contribution calculated (c.£55k) to be requested via Community Infrastructure Levy (CIL).

7.7. **Designing Out Crime Officer (DOCO)** makes suggestions and recommendations in relation to providing a safe and secure environment for all users (distribution of affordable housing, parking, lighting and boundary treatments (public/private space)).

7.8. **Historic England** In this case we are not offering advice.

7.9. **NYCC Natural Services** A new Preliminary Ecological Appraisal is required along with a plan to demonstrate how the applicant would deliver net gains for biodiversity in line with the requirements of the NPPF.



- 7.10. **Flood Risk (LLFA)** The submitted documents are limited and the LLFA recommends that the applicant provides further information before any planning permission is granted. The following should be submitted and approved by the Local Planning Authority: microdrainage calculations; run of destination; volume control; exceedance plan; and maintenance plan
- 7.11. **Yorkshire Water Land Use Planning** Recommend condition to ensure development carried out in accordance with the Flood Risk Assessment.
- 7.12. **Tree & Woodland Officer** No response received
- 7.13. **Building Conservation Officer** No response received
- 7.14. **NYC Minerals and Waste** No response received
- 7.15. **Environment Agency** No response received
- 7.16. **Vale of Pickering Internal Drainage Boards** No response received
- 7.17. **Ellie Hook AONB Manager** No response received
- 7.18. **Environmental Health** No response received

*Re-consultation (Ecology and BNG information & further highways and drainage information)*

- 7.19. **Slingsby Parish Council** has several significant concerns with the plans in its current form. As such we feel there needs to be detailed planning obligations (section 106) attached to any granted permission to ensure development takes place efficiently and minimises impact on existing residents.

The Parish Council along with all residents consulted have serious concern regarding the phased approach of development. The initial planning application for this site assumed that the whole site would be developed as one phase and as such, the Parish Council had no objections. The new application makes no reference to the integration or timescales of the neighbouring phase of development. This raises several significant issues regarding the initial development and the completion of landscaping, utilities etc as well as the visual impact of an unfinished or incomplete site. Without guarantees that the whole site will be developed to a satisfactory standard in a timely manner, it is impossible to give the support to any part thereof. It is hoped by all in the Parish that the planning authority (NYC) will subject any planning permission to very specific planning obligations (section 106) to ensure the whole site (APPLICATION NO: 23/00348/MFUL and 23/05729/MFUL) are managed either as one post development or at the very least, complementarily.

The main concern of residents on Aspen Way is the prospect of the increase in traffic via the proposed access point between 12 and 14 Aspen Way. The adjacent site has had their access point approved closer to the entrance to Aspen Way and given that their road system abuts this application on the eastern boundary, would it not be possible via planning conditions and S106 wording to make it that all traffic for both sites have to use this one approved access rather than have a second entrance?

The village has ongoing issue with surface water flooding and the addition of significant number of houses at the elevated south end of the village is likely to have increased surface flooding impacts on the lower lying areas of the village, predominantly Railway Street. This was evident in the last few weeks when Railway

Street was flooded and passable only by off-road vehicles. The Ryedale District Plan 2013 page 109, section 6 referencing utilities in service villages identified that Slingsby had 'no current capacity' and 'upgrading will be required' with respect to sewers.

The parish council would like to see a clearer awareness of and mitigation strategy for the buried archaeology likely to be encountered on the site. The Balk is located within a highly sensitive archaeological area, between two large, nationally important scheduled areas (NHLE Iron Age barrow cemetery to the east and NHLE 1004178 Slingsby Castle, to the west). In particular, the site lies along the line of the Iron Age trackway and barrow cemetery to the east, as identified by Historic England's Howardian Hills Aerial Mapping project (HE NMP p.15) fig.1. The trackway lies directly in the path of the proposed development, yet no mention is made of its significance in the Design and Access Statement and there are no details of the findings made during preliminary explorations of the site last year to mirror the ecology reports submitted as part of this reserved matters application. We note that in previous applications, Historic England as a Statutory Consultee expressed concerns about the absence of clear reference to archaeological mitigation under the terms of the NPPF (para 194) and the Listed Buildings and Conservation Areas Act (1990) 72(1) and 38(6) and would repeat their request for reassurance that the original archaeological conditions apply and will be adhered to in the revised proposals.

There is public open space with this application as with the adjacent approved site. It is hoped that the same maintenance management company could be used for both sites. Either way, a maintenance company will be required, so that the maintenance does not fall on the Parish Council.

Will a construction/traffic management plan be needed for this site?

The Parish Council has previously supported the development of this site but now are very disappointed that it has become a piece-meal site and confusion over the sequencing of development and potential increased disruption seems more likely. Given that the first section of the overall site has been granted outline planning permission, it seems unlikely that this second section will not also be given permission. The overall hope from the Parish Council and residents is that the planning authority will use their powers to ensure sensible restrictions and obligations on both sections of the site are defined and enforced to ensure disruption is minimised and the overall collective impact of the two developments is the same as if they were one.

- 7.20. **Highways North Yorkshire** No response received
- 7.21. **Housing Services** remain supportive of the application subject to 4 affordable units being provided and the commuted sum. One three bedroom house should be of Intermediate tenure and one three bedroom unit and 2 x two bedroom units should be Social/Affordable Rent. All affordable homes should meet minimum NDSS space standards.
- 7.22. **NYC Natural Services** According to the PEA, the site comprises agricultural grassland of low nature conservation value and there are few risks to protected species. We recommend a Condition to adhere to the recommendations set out in the PEA concerning bats (sections 8.2.5.1-8.2.5.3, including provision of at least 4 bat boxes), nesting birds (section 8.4.5, including provision of at least 8 boxes as specified) and Hedgehogs (section 8.7.4). Details of hedgerow enhancement noted and the proposal is policy compliant in respect of biodiversity net gain.

- 7.23. **Flood Risk (LLFA)** The submitted documents are limited and the LLFA recommends that the applicant provides further information before any planning permission is granted. The following should be submitted and approved by the Local Planning Authority: location of percolation testing; hydraulic calculations; maintenance arrangements; and construction phase surface water management plan.
- 7.24. **Yorkshire Water Land Use Planning** Recommend condition to ensure development carried out in accordance with the 'Plot Drainage' drawings.

Re-consultation (further drainage information)

- 7.25. **Flood Risk (LLFA)** The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Recommend condition to ensure the development is constructed in accordance with the approved drainage design.

Local Representations

- 7.26. The LPA has received 13 representations from local residents which all raise objections to the application. A summary of the comments is provided below, however, please see the Council's website for full comments.
- Overdevelopment
  - There is not the infrastructure, transport nor community facilities to cater for all this development
  - 38 should not become 39 dwellings
  - The original application made no mention of any access via the land on number 14 Aspen Way.
  - Access via Aspen Way is not required
  - The proposal does not conform with the criteria lay down in allocation SD11.
  - Can the two parties not agree to using the same access road?
  - Construction traffic will pass properties on Aspen Way (noise, disruption and pollution from HGVs)
  - Will there be start and finish times for the construction work to limit noise nuisance?
  - The development will cause traffic problems on Aspen Way
  - The new access would result in removal of two mature trees in the garden of 14 Aspen Way
  - The site should be accessed from the main road (B1257)
  - Insufficient in-curtilage parking
  - The layout does not allow circulation of traffic
  - Adequate space provision should be given for access by emergency fire and ambulance vehicles and their movements.
  - The type of houses are not similar in build and design
  - The dwellings should be single storey as is the case on Aspen Way
  - The plans submitted are very ordinary and effectively a line of houses to one side of a street.
  - Surface water drainage issues- the proposed soakaway is a flood hazard

**8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

## 9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of the development;
  - Affordable housing;
  - Design, form and scale and impact on the character of the settlement;
  - Landscaping, trees and public open space;
  - Residential amenity;
  - Highways;
  - Flood risk and drainage;
  - Biodiversity & ecological impact;
  - Archaeological impact;
  - Minerals Safeguarding;
  - Community Infrastructure Levy (CIL); and
  - Section 106 legal agreement.

## 10.0 ASSESSMENT

### Principle of the Development

- 10.1. The site is within the development limits for Slingsby (Service Village) and forms part of the residential land allocation identified (Policy SD11) within the Ryedale Plan-Local Plan Sites Document (2019) and, as such, forms part of the adopted statutory Development Plan.
- 10.2. Therefore, the principle of residential development at the site has been already established by the allocation of the land and reaffirmed by the grant of outline planning permission (ref: 18/00686/MOUT) on 12 March 2020. The site makes an important contribution towards the supply of deliverable housing.
- 10.3. There is local concern in relation to additional housing being developed in the village. However, since the allocation and the grant of outline permission, there have been no significant changes at the site, or in policy, that would justify the Council taking a different view with regard to the acceptability of the development in principle. Latest figures (March 2023) continue to demonstrate a housing land supply in excess of 5 years is achievable against Local Plan Housing requirement of 200 dpa, and the Standard Method figure of 186 dpa (rising recently to 193 dpa using new household projections) which is used to assess land supply when the Development Plan is more than 5 years old. Consequently, the Development Plan retains primacy and in accordance with Paragraph 11 of the NPPF (2023) it is advised that planning permission should be granted for a development proposal such as this unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 10.4. It is noted that in combination the current proposal for 13 dwellings in the eastern site alongside the application for the adjacent site for 26 dwellings exceeds the yield (36 dwellings) set out in Policy SD2 of the Local Plan Sites Document (2019). The yield stated in Policy SD2 is not an absolute figure and it is accepted that the precise figure is to be determined at planning application stage. The fact that the total number of dwellings proposed across the two applications (39) is in excess of the indicative yield figure and the outline permission (38 dwellings) does not amount to a conflict in principle with the Council's policy.

- 10.5. The spatial planning principles established within the Ryedale Plan- Local Plan Strategy (2013) were taken into account when the application site was identified as a housing allocation within the Ryedale Local Plan Sites Document (2019). As such, the principle of proposed residential development on the application site is fully in accordance with the local planning policy objectives and land use.

#### Affordable Housing

- 10.6. The proposed development would be for 13 units. Policy SP3 (Affordable Housing) requires 35% on site affordable housing provision which equates to 4.55 affordable units to meet the policy requirement. The applicant proposes 4 affordable units comprising 2 x 2bed 4person units, 2 x 3bed 5person units and a financial contribution of 0.55 of a unit (£54,367) to meet the policy requirement. There is also an additional 5% contribution required by Policy SP3 which is £98,850 x 0.65 units = £64,252.
- 10.7. The Council's Housing Officer notes that the proposed mix reflects local housing need and that all affordable units will meet nationally described space standards (NDSS) which is supported. The Council's Housing Officer requests that the tenure is 1 x 3 bedroom unit as Intermediate/Shared Ownership tenure with the rest social/affordable rent.
- 10.8. The affordable housing mix, tenure and minimum floor areas and the commuted sum will be secured via the Section 106 agreement. In light of this it can be confirmed that the application complies with the requirements of Policy SP3.

#### Design, form and scale and impact on the character of the settlement

- 10.9. Paragraph 135 of the NPPF (2023) states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 10.10. Policy SP16 of the RPLPS states that "*Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which: Reinforce local distinctiveness ; Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; and Protect amenity and promote well-being*". The policy goes on to state "*To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings*".
- 10.11. Policy SP20 of the RPLPS states that "*New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses*".
- 10.12. The site is located on rising ground to the north of the B1257 on the southern edge of the village. The 13 dwelling development the subject of this application would occupy the eastern part of the outline permission/allocated site separated from the western parcel of land by the planted field boundary.
- 10.13. The site is to be developed at a density of 22 dwellings per hectare which does not depart from the character of the village. In light of this the fact that the total number of dwellings proposed across the two sites (39) exceeds the outline permission by one unit is not considered to be significant.
- 10.14. Due to the size and narrow, rectangular shape of the application site relative to the residential development site immediately to the west the options for a layout that



positively responds to the adjacent site are limited. The proposed site layout does not significantly depart from that indicated at outline stage with the dwellings orientated to face west with the access roadway along the frontage extending north-south. The proposed layout and density responds to the local housing pattern and has a positive relationship to the adjoining built development and established landscaping on the site boundary. It is considered that the proposed layout provides for adequate relationships between dwellings within the site and that the separation distances (back to back, side to rear) between units is acceptable.

- 10.15. The development principles of the site (Policy SD11 of the RPLPSD) dictate that the scale of buildings is to be limited to one and two storey heights which is the case in this proposal.
- 10.16. The proposed house types (semi-detached cottages and detached, larger houses) and variation in building footprint provides for suitable variation and visual interest. The proposed dwellings would be entirely two storey houses of a type which reflects the general types of dwellings in the village and does not unduly depart from those approved in the adjacent residential development site to the west.
- 10.17. The proposed streetscene elevation facing west illustrate that there is a degree of variation in the eaves and ridge heights and general proportions of the dwellings. The land levels within the site fall away in a general south-north direction and it is necessary for the development to adapt to the landform. There is a degree to stepping across the site north- south, however, this would not be disproportionately obvious and is acceptable in this location set back from the principal streetscene (The Balk) and the Conservation Area.
- 10.18. The palette of materials proposed is a mix of predominately natural stone with some brick built houses with clay tiles and slate to the pitched roofs.
- 10.19. The majority of dwellings would have eaves parallel to the road although in the case of plots 1 and 2 there would also be gables facing the road which provides visual interest in the streetscene. There is a good range of dwelling types and sizes with a degree of variation in frontage widths. At the southern end of the site plots 12 and 13 would appear as a single, prominent detached house punctuating the end of the access road with a rear elevation (south) that provides a suitable frontage to the main road (B1257).
- 10.20. The majority of dwellings would include chimneys providing vertical emphasis and there would be suitable variation in both the eaves detail and roof pitch. Windows would be a mix of casement and sash windows and are well proportioned and appropriately spaced with suitable cills and lintels either horizontal or slightly arched. There would be an appropriate degree of variation in the door surround styles and detailing. Overall, it is considered that there is appropriate variation in house types and styles. The proposed appearance and materials of the dwellings are acceptable and would reflect local vernacular and the edge of village context.
- 10.21. The various garages across the site are relatively modest and do not dominate individual plots. The provision of in-curtilage parking would minimise the dominance of parked vehicles along the access roadway.
- 10.22. There have been concerns raised about the arrangement of affordable units and the potential lack of social cohesion and integration. The affordable housing is proposed to be sited towards the south of the site. As a result of the build quality and appearance the affordable units would be visually indistinguishable from the market housing and would not indicate the tenure. There is additional affordable housing to be provided in the western part of the outline permission/allocated site and, as a



result, there will be no unacceptable grouping of affordable units when the housing development is considered on the whole.

- 10.23. Overall, the development will reinforce local distinctiveness and provide well-designed streets and spaces in compliance with the NPPF (2023), Policy SD11 of the RPLPSD (2019) and Policies SP13, SP16 and SP20 of the RPLPS (2013).

#### Landscaping, trees and public open space

- 10.24. The site is bounded by established planting along all sides. The existing hedgerow to Malton Road on the southern side of the site would be reinforced and managed to provide enclosure and a degree of screening.
- 10.25. The proposed areas of green space allow for the retention and protection of key landscape features which form the western boundary save for the loss of a short section of hedgerow to create the east-west access link between the two sites. The public open space would comprise a linear village green area on the western edge of the site (central within the wider site).
- 10.26. Hedgerow planting to close the existing field gate would provide screening of the small parking area (plots 12 and 13) in the south east corner when viewed from the B1257. The frontage of the majority of the plots would comprise a small garden and would provide a soft edge within the streetscape. All dwellings would be served by private rear gardens laid to lawn.
- 10.27. There is general scope for a proportionate landscaping scheme for the site with the retention of existing boundary planting alongside the provision of open space. The development is considered to be acceptable and complimentary to the overall design and in line the development principles of the site allocation. It is considered that the development complies with the requirements of Policies SP13, SP16 and SP20 of the RPLPS (2013).

#### Residential amenity

- 10.28. As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.
- 10.29. The plans show that the site can be developed with sufficient private amenity space for individual plots and that dwellings will be of proportions and orientations that do not result in loss of light, overlooking or loss of privacy to future occupants of the new development in accordance with Policies SP4 and SP20.
- 10.30. The site would be developed with sufficient stand offs from the boundaries adjacent to existing residential properties to the north and inset and partially screened from the public highway to the south.
- 10.31. The separation distance between the dwelling in plot 1 and the existing bungalow to the north (14 Aspen Way) is 6 metres (side to side). The dwelling in plot 1 would have a similar depth as the adjacent bungalow and the front and rear building line positions would not be dissimilar. It is not anticipated that the proposed dwelling would have any overbearing effects or result in a material loss of light to the neighbouring property.

- 10.32. In terms of potential for overlooking the first floor window in the side, north facing elevation of the dwelling in plot 1 would serve an en-suite and a condition shall be imposed to require obscure glazing. In addition a condition shall be imposed to prohibit any additional first floor windows being formed in the side (north) elevation of the dwelling in plot 1 without prior written approval. Due to the angle of the respective buildings the first floor windows in the rear, east facing elevation would not provide direct views over the rear gardens of number 14 Aspen Way. The front elevation of the proposed dwelling in plot 1 is 21 metres from the side elevation of number 12 Aspen Way and no loss of privacy issues or overbearing impacts are anticipated.
- 10.33. The proposed access roadway to be formed in the northern boundary of the site extends from Aspen Way to the side of number 12 Aspen Way and to the front of number 14 Aspen Way. The edge of the road would be 7.5 metres from the front elevation of 14 Aspen Way and 8.5 metres from the side elevation of number 12 Aspen Way. No objection has been received from the occupant of number 14 Aspen Way although an objection has been received from the occupant of number 12 Aspen Way.
- 10.34. It is relevant to note that the proposed roadway would be no closer to numbers 12 and 14 Aspen Way than the existing roadway (which serves a higher number of dwellings) within Aspen Way where it passes between numbers 17 and 18 Aspen Way for example.
- 10.35. The relationship between the side elevation of number 12 Aspen Way and the proposed road shown on the layout plan would not be untypical of residential layouts, where roads pass the side elevations of dwellings. There would be a reasonable amount of distance between where the road is shown and the side elevation of number 12 Aspen Way and the front elevation of number 14. This would ensure that there would be no harm to living conditions due to a loss of privacy occurring through the use of the access road. In conjunction with the fact that a limited number of dwellings are proposed and the access is only a temporary solution, this separation would also ensure that noise levels from passing vehicles would not be unduly harmful.
- 10.36. It is proposed that once the western part of the development comes forward and the aligned northern access point is delivered, the proposed vehicular access from the application site direct to Aspen Way would then be downgraded to a pedestrian/cycle access. The applicant states that this could be controlled via an obligation within the Section 106 legal agreement for this application or through including an appropriately worded planning condition.
- 10.37. Hours of construction shall be limited by condition and it is understood that construction traffic would access the site direct from the B1257 via the field access in the southern boundary and as a result there would be no impact on the occupants of properties on Aspen Way during the construction phase. A condition shall be imposed to secure a Construction Management Plan. Overall, it is considered that the development would not give rise to conditions prejudicial to residential amenity and complies with Policy SP20.

#### Highways

- 10.38. Policy SP20 (Generic Development Management Issues) advises that *“Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of*

*accesses and circulation routes, including how these relate to surrounding footpaths and roads”.*

- 10.39. Paragraph 115 of the NPPF (2023) advises that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*
- 10.40. The application details set out that, depending on the timing of development progressing in the adjacent site, the proposed housing development the subject of this application could be served by either an access from the north direct from Aspen Way or from a link through to the western site. The site allocation development principles do not prohibit a second access from Aspen Way but it is noted that the proposal is not the preferred option and is a temporary solution which provides short term flexibility as ultimately the internal site roadways across both sites would be constructed to adoptable standards and there would be no ransom strip scenario.
- 10.41. It is proposed that a section of hedgerow in the northern boundary is removed to allow for the formation of the proposed access roadway off Aspen Way. The short section of new road would extend from Aspen Way to the side of number 12 Aspen Way and to the front of number 14 Aspen Way.
- 10.42. The access roadway would extend the length of the site in a north-south alignment to the front (west) of plots 1-11 and to the front (north) of plots 12 and 13. The road would be 4.5 metres in width along its entire length. The road would have a 2 metre wide footpath along its eastern edge to the front of the new dwellings. The road layout provides for the removal of a short section of hedgerow in the western boundary to form a junction/connection with the adjacent site to the west which includes a tactile crossing on the footway opposite Plot 3 to provide access to the adjacent site for pedestrians.
- 10.43. It is proposed that once the western part of the development comes forward and the aligned northern access point is delivered, the proposed vehicular access from the application site direct to Aspen Way would then be downgraded to a pedestrian/cycle access through the installation of bollards at the end of the roadway. The applicant states that this could be controlled via an obligation within the Section 106 legal agreement for this application or through including an appropriately worded planning condition. It is considered that should permission be granted a condition will be imposed to secure an appropriate scheme for the closure/downgrading of the Aspen Way vehicular access.
- 10.44. The LHA have not raised any objection to the proposed access to be formed from Aspen Way. It is considered that the alternative access from Aspen Way whilst not the first access option considered at outline stage it is not objectionable and would make the scheme deliverable in the short term whilst also making provision for a link to the adjacent site to ensure a comprehensive development of the wider site and the whole housing allocation.
- 10.45. During the course of processing the application and in response to comments received from the Local Highway Authority (LHA) the applicant has provided updated site layout plans; swept path analysis and a series of highways engineering drawings including drainage arrangements.
- 10.46. The submitted details appear to address the earlier comments made by the LHA but at the time of writing this report a further response from the LHA is awaited and will be provided prior to the application being reported to Planning Committee.

- 10.47. The majority of the concerns raised by existing residents on Aspen Way relate to the impact of construction traffic (noise, disturbance, disruption) accessing the site via Aspen Way. However, it is understood that construction traffic would access the site direct from the B1257 via the existing field access in the southern boundary and not via Aspen Way. Clearly, this is a benefit of the scheme in terms of amenity and highway safety. A condition shall be imposed to secure a Construction Management Plan.
- 10.48. The access roadway within the site would be constructed to adoptable standards. The road layout shows that the vehicular access road provides a link up to the boundary with the western site and this would ensure unfettered access as required by the site development principles of Policy SD11.
- 10.49. The site provides for adequate in-curtilage parking arrangements for the occupiers of the proposed dwellings and a swept path analysis has been completed to show that service and refuse vehicles can safely manoeuvre within the site.
- 10.50. At the time of writing this report the LHA have not raised any concerns in relation to the traffic to be generated by the proposed development and there is sufficient existing capacity in the existing highway network. The access arrangements, internal road layout and parking provision have been the subject of previous discussion and are expected to be considered acceptable subject to conditions.
- 10.51. It is anticipated that should permission be granted a number of standard conditions will be included in respect of engineering drawings for roads and sewers and programme for delivery; construction of adoptable roads and footways prior to the development being brought into use; closure of existing field access off the B1257 upon completion of the construction phase; construction of parking for dwellings; limitation on conversion of garages; and a detailed Construction Management Plan.
- 10.52. Subject to the final comments from the LHA not raising any significant concerns it is considered that the site can be developed for housing without resulting in an adverse impact on highway safety or capacity and complies with the requirements of the NPPF and Policy SP20.

#### Flood Risk and drainage

- 10.53. The site is within Flood Zone 1, nevertheless the application is accompanied by a Flood Risk Assessment which confirms the low risk of flooding.
- 10.54. The NPPF and Policy SP17 requires development to incorporate sustainable drainage systems and techniques in line with the drainage hierarchy unless there is clear evidence that this would be inappropriate.
- 10.55. For surface water drainage it is confirmed that infiltration testing results indicate that the natural soil is suitable for infiltration and soakaways are considered a viable method for this development. The application is accompanied by a Drainage Management Plan, plot-by-plot soakaway test results and proposals and hydraulic calculations.
- 10.56. The LLFA initially requested further information in the form of a drainage strategy, location of percolation testing, hydraulic calculations, an exceedance flow plan, maintenance plan and construction phase surface water management plan. The further information has been provided and the LLFA have since confirmed that the submitted documents demonstrate a reasonable approach to the management of surface water on the site. The LLFA recommend a condition to ensure the development is constructed in accordance with the approved drainage design.

- 10.57. There is local concern in relation to the capacity of the existing sewerage system serving the village although no objections have been raised by the relevant statutory undertaker (Yorkshire Water). No objections have been raised by the Environment Agency.
- 10.58. Overall, it is considered that the drainage proposals represent a reasonable approach to the management of surface and foul water arising from the development in accordance with the NPPF and Policy SP17.

#### Biodiversity and ecological impact

- 10.59. The application is accompanied by an up-to-date Preliminary Ecological Assessment (PEA). The PEA has been reviewed by the Council's Ecologist who notes that the site comprises agricultural grassland of low nature conservation value and there are few risks to protected species.
- 10.60. The Council's Ecologist acknowledges the advice contained within the PEA in relation to enhancements for bats, nesting birds and hedgehogs and compliance will be secured by condition.
- 10.61. Policy SP14 of the RPLPS (2013) and the NPPF require a net gain in biodiversity to be provided as part of new development schemes. This is not a scheme which is subject to the mandatory requirement for Biodiversity Net Gain by virtue of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) due to it being made prior to the regulations being enacted. Nevertheless, the application is accompanied by a Habitat Condition Assessment and Biodiversity Metric calculations with proposals for increase hedgerow provision across the site to improve the measurable gain in linear habitat units.
- 10.62. The BNG calculations show a net gain of 2.4% for area-based habitats and 1.01% for hedgerows. The net gains are not significant but the Council's Ecologist has confirmed that the hedgerow enhancement proposals are compliant with relevant policy requiring net gains for biodiversity and can be accepted. A condition will be imposed to secure the approval and delivery of the landscape scheme and BNG.
- 10.63. It is considered that the development would not result in adverse impacts on habitats and protected species and appropriate mitigation and enhancement can be secured in line with the NPPF and Policy SP14.

#### Archaeological impact

- 10.64. The application site has previously been the subject of an archaeological geophysical survey and trial trench evaluation. The Council's Archaeologist states that the reports for this work represent a suitable baseline from which to assess the impact of the proposal on heritage assets of archaeological interest.
- 10.65. The Council's Archaeologist notes that the archaeological work has identified that significant deposits relating to a later prehistoric trackway survive within the northern part of the development area. The trial trenching indicated that discrete features are also present including a cremation pit. The trackway is significant as it is a continuation of a landscape feature that extends to the east, where it is associated with an Iron Age square barrow cemetery (which is a Scheduled Monument). The trial trenching demonstrated that the archaeological remains survive beneath a layer of alluvial silt which is up to 600mm in depth.

- 10.66. The Council's Archaeologist recommended a scheme of archaeological mitigation recording in response to the ground disturbing works associated with the development proposal. In light of this the proposed development complies with the NPPF and Policy SP12.

#### Minerals Safeguarding

- 10.67. The site development principles set out in the site allocation (Policy SD11) requires feasibility and viability of the extraction/utilisation of the minerals resource to be demonstrated.
- 10.68. The earlier outline application was accompanied by a Minerals Safeguarding Statement which concludes that any mineral extraction at the site would be economically unviable, unsuitable and unlikely to be environmentally acceptable and should not prevent the proposed residential development coming forward.
- 10.69. There are no active quarry sites or waste facilities within 500 metres of site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone. The site is within a Minerals Safeguarding Area but falls under the exemption criteria (allocated for development in the Local Plan).

#### Community Infrastructure Levy (CIL)

- 10.70. The proposed development is CIL liable at £85 per square metre for the market housing.

#### Section 106 Legal Agreement

- 10.71. A Section 106 legal agreement will be required in line with Policies SP3, SP11 and SP22 of the Ryedale Plan Local Plan Strategy. The S106 will secure the on-site open space provision; management and maintenance and also secure the delivery of the on-site provision of 4 affordable dwellings (mix, tenure, minimum floor area, method of delivery, management of the units, timing of construction, transfer, acquisition prices and occupancy) and commuted sum equivalent to 0.55 of a unit and the additional 5% contribution. The applicant has prepared a Draft Heads of Terms for a Section 106 agreement.

<b>Table 1</b>		
<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Affordable Housing	On-site units	4no. dwellings
Affordable Housing	Commuted sum	Equivalent to 0.55 of a unit & 5% additional financial contribution
POS Delivery, Management and Maintenance	On-site open space	Delivery to be agreed in Open Space Scheme.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The site is within the development limits of a Service Village and is allocated for housing within the adopted Development Plan. The development of this small size site would make an important contribution towards the supply of deliverable housing. Furthermore, the scheme would provide a policy compliant level of affordable housing. The principle of the development is considered to align with national and



local planning policy and represents development that accords with the adopted development plan.

- 11.2 The proposal respects the character of the settlement and would suitably integrate with the development to the west. The application proposes a road layout that accommodates the need to link through to the field to the west whilst providing a temporary access solution that would mean the site is deliverable in the short term.
- 11.3 The application is subject to a relatively small number of representations from local residents and a response from the Parish Council which raise concerns. The responses have been taken into account in the above appraisal.
- 11.4 The proposed development is not considered to have an unacceptable impact on the character of the settlement, landscape, local amenity, highway safety, ecology, archaeology or flood risk.
- 11.5 In overall conclusion, the proposal represents a sustainable design solution, with particular regard to local character and distinctiveness and design quality.
- 11.6 This application complies with the adopted Development Principles for this allocated site and the scheme accords with the Development Plan and NPPF (2023), with no other material considerations indicating otherwise, the application is recommended for approval.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be **GRANTED** subject to conditions (to follow) and completion of a Section 106 legal agreement with regard to affordable housing, commuted sum and Public Open Space as detailed in Table 1.

### **Recommended conditions:**

To follow in late pages

**Target Determination Date:** 21.07.2023

**Case Officer:** Alan Goforth, [alan.goforth@northyorks.gov.uk](mailto:alan.goforth@northyorks.gov.uk)