

RYEDALE SITES LOCAL PLAN – MATTER 3

**PROPOSED HOUSING ALLOCATION SITE REF. SD7 – LAND SOUTH OF SWINEHERD
LANE, KIRKBYMOORSIDE**

W&W ESTATES

REPRESENTOR ID: 1092

INTRODUCTION

- 1.1 We write on behalf of our client W & W Estates Ltd to outline their **support** for the proposed allocation of the Land South of Swineherd Lane, Kirkbymoorside site for residential development under Policy SD7 of the Ryedale Plan Local Plan Sites Document.
- 1.2 The site can deliver a comprehensive development of market and affordable housing alongside a number of community benefits to meet the needs and aspirations of the local area over the plan period.
- 1.3 The site has been identified by Ryedale District Council (RDC) as one of the potential housing options in Kirkbymoorside since 2015. Pre-application discussions have already taken place with RDC (Ref.15/001190/PREAPP) and we can confirm that our client is now working towards the submission of a planning application before Spring 2019.
- 1.4 The development proposals are situated in a suitable and highly sustainable location in respect of existing settlement form and there are no technical or environmental (built and natural) constraints that would preclude the development of the site.
- 1.5 Whilst we support RDC's proposed allocation of the site under Policy SD7 of the Ryedale Local Plan Sites Document, our client has recently taken under option the parcel of land located adjacent to the east of the site in respect of providing a comprehensive development of the two sites.
- 1.6 Whilst answering the Inspector's questions in respect of the proposed site allocation, this statement also provides the planning case for the larger site proposal.
- 1.7 For ease of review, this statement first deals with the Inspector's specific questions associated with proposed site allocation Ref. SD7. The case for the allocation of the larger site is then identified.

**QUESTION 3.17 - RESIDENTIAL LAND ALLOCATIONS IN LOCAL SERVICE CENTRES
(MARKET TOWNS) (KIRKBYMOORSIDE) – POLICY SD7**

A) What is the background to the site allocation? How was it identified and which options were considered?

- 2.1 This question is directed to Ryedale District Council (RDC) and accordingly we do not wish to comment at this stage.

B) What is the scale and type/mix of uses proposed?

- 2.2 The latest indicative planning Layout of the development proposals is enclosed with this hearing statement. The development proposals include: -

- A size, layout and configuration capable of supporting a sustainable housing scheme of circa 45 homes providing the ability to meet a range of housing needs, including 15 affordable homes or 35% based on the District's current planning policy requirements.
- Appropriate vehicular access will be taken from Swineherd Lane, with new proposed pedestrian and cycle connections to existing linkages to the north, west and south of the site.
- An area of amenity space located in the south-eastern area of the site.
- The provision of enhanced boundary landscaping along the eastern boundaries of the site.
- The retention of existing landscape features on the site's boundaries.

C) What is the basis for this and is it justified? & D) How were the site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence having regard to any constraints and the provision of necessary infrastructure?

- 2.3 The proposed number of homes to be delivered at the site has been identified following an assessment of the likely housing type, tenure and mix that will likely be delivered at the site.
- 2.4 Pre-application discussions have already taken place with RDC (Ref.15/001190/PREAPP). These discussions and the comments received from statutory consultees, including highways and drainage bodies have informed the development of the latest planning layout of the development proposals.
- 2.5 The character of the area has also influenced the proposed quantum of development. The site is surrounded by existing residential development located to the north and west, recreational development to the south, whilst also having landscape boundaries to the east. Density levels have therefore been reduced towards the southern areas of the site which about the more open areas surrounding the site.
- 2.6 Initial survey work undertaken by our client in respect of the site's development have not identified any issues that would adversely impact on the site's deliverability. Subject to the site being maintained as a housing allocation within the Sites Local Plan, our client would seek to be in a position to submit a planning application by spring 2019. Accordingly, technical surveys including highways, drainage, ecology and ground investigation work will be completed within the next 6 months.

E) What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?

- 2.7 Detailed pre-application discussions have commenced with RDC (Ref.15/001190/PREAPP). The pre-application discussions with RDC have made clear that there are no unsurmountable concerns to constrain the development of the site from a design or technical perspective.
- 2.8 It is the intention of our client to submit a planning application by spring 2019.

F) What are the benefits that the proposed development would bring?

- 2.9 The development proposals can deliver the following socio-economic benefits to Kirkbymoorside and the Ryedale District: -
- Construction Investment to the area;
 - Creation of direct & indirect employment opportunities;
 - A mix of homes to deliver identified housing needs;
 - Social infrastructure investment to the area through Community Infrastructure Levy payments;

- Increased expenditure from residents to the area; and
- Council Tax payments & New Homes Bonus payments which will help to sustain Council's services.

- 2.10 With regards to Community Infrastructure Levy payments from the development proposals, it is anticipated that the development would deliver a contribution of approximately £230,000. This funding can be used by Ryedale District Council and Kirkbymoorside Town Council towards the improvement of local education facilities, sustainable transport and community infrastructure.
- 2.11 In addition, similarly, the potential New Homes Bonus contribution and annual Council Tax payments, would provide a substantial level of funding to help improve local infrastructure.

G) What are the potential adverse impacts of developing the site? How could they be mitigated?

- 2.12 Detailed pre-application discussions have commenced with RDC (Ref.15/001190/PREAPP). The pre-application discussions with RDC have made clear that there are no unsurmountable concerns to constrain the development of the site from a design or technical perspective.
- 2.13 Initial survey work undertaken by our client in respect of the site's development have not identified any issues that would adversely impact on the site's deliverability. Subject to the site being maintained as a housing allocation within the Sites Local Plan, our client would seek to be in a position to submit a planning application by spring 2019. Accordingly, technical surveys including highways, drainage, ecology and ground investigation work will be completed within the next 6 months.
- 2.14 Our client previously instructed Sanderson Associates (highways consultants) to assess the access options available and they concluded that a suitable site access could be delivered from Swineherd Lane. Discussions with North Yorkshire County Council (NYCC) highways officers as part of the pre-application process have confirmed that the proposed site access on Swineherd Lane is acceptable.
- 2.15 In respect of drainage, foul water will connect into existing sewers located within Duna Way. Surface water will be attenuated in over-sized pipes located within the roads running through the scheme and in a surface water attenuation tank located beneath the area of proposed amenity space, before being released at an agreed run-off rate into the existing ditch that runs along the site's eastern boundary.
- 2.16 With regards to Ecology, a preliminary ecological appraisal of land, comprising a data search and extended Phase 1 Habitat Survey has been undertaken. The appraisal identifies that the development will result in a loss of two cattle-grazed, species-poor grass fields which are heavily used by dog walkers. Boundary hedges and the central hedge are all species poor but are very mature with excellent bird nesting and foraging habitat. They also form important wildlife corridors. There are no signs of any other protected species on site. Enhancement of the site could be accomplished by gapping up hedges. Buffer strips along hedgerows should be implemented to increase their suitability as wildlife corridors and to encourage hedge flora. The ditch that runs along the eastern side of the proposed site allocation boundary, could also be reprofiled to encourage aquatic vegetation.

H) How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exception tests been applied?

- 2.17 The site is entirely located in Flood Risk Zone 1. The surroundings areas of the site are also located within Flood Risk Zone 1.

I) What are the infrastructure requirements/costs and are there physical or other constraints to development? How would these be addressed?

2.18 Please refer to our answer to Question K) below.

J) How have the effects of the allocations been considered on the strategic and local road network?

2.19 Detailed pre-application discussions have commenced with RDC (Ref.15/001190/PREAPP). The pre-application discussions with RDC have made clear that there are no unsurmountable concerns to constrain the development of the site from a design or technical perspective.

2.20 Our client previously instructed Sanderson Associates (highways consultants) to assess the access options available and they concluded that a suitable site access could be delivered from Swineherd Lane. Discussions with North Yorkshire County Council (NYCC) highways officers as part of the pre-application process have confirmed that the proposed site access on Swineherd Lane is acceptable and that the development proposals would not have an adverse impact on the wider road network on account of its size.

K) Is the development proposed viable and deliverable within the plan period?

2.21 The site can be considered as a viable and deliverable residential development site on account of:-

- **Suitability** - The site is located in a suitable location for residential development now. A sustainable development can be delivered at the site with pedestrian and cycle access to existing services, facilities and public transport. A suitable access can be provided from existing highways. There are no other technical constraints, including drainage matters, which would preclude the development of the site for residential use.
- **Availability** - The site is available for residential development now as there are no legal or ownership constraints as W & W Estates Ltd have an interest in the site and have expressed an intention to develop the site for residential use immediately, subject to the site's retention as a proposed housing allocation and/or the allocation of the large development proposal.
- **Achievability** – W & W Estates Ltd are seeking to develop the site for residential use within the next year. Prior to the progression of development sites, they undertake a thorough marketing and economic viability assessment for each site, including an assessment of any site specific abnormal costs. The site is considered to be achievable for residential development now as there is a realistic prospect that the site can deliver new homes within the next 5 years.

2.22 With regards to delivery timescales, it is currently envisaged that a planning application will be submitted by Spring 2019, with first dwelling completions on the site taking place in the monitoring year 2019/20 following initial site infrastructure works.

2.23 Other than the delivery of the site's initial access infrastructure there are no other major infrastructure works that need to take place prior to the commencement of delivery of new homes on the site. Accordingly, the development will commence within a year of the submission of the planning application.

2.24 It is anticipated that the development will deliver a yield of at least 30 homes per annum. The table below provides the site's cumulative dwelling delivery projection per annum:-

Year	Swineherd Lane, Kirkbymoorside
2018/2019	0
2019/2020	15
2020/2021	45

l) Are the development principles effective, justified and consistent with national policy?

2.25 With regards to the detailed policy criteria attached to the proposed allocation of the site, we provide the following conclusions: -

- Vehicular access will be taken from Swineherd Lane.
- Pedestrian and cycle only access will be provided from Duna Way, Stuteville Close and to the recreation facilities located to the south of the site.
- The development will also take into consideration the PROW that runs through the site.
- Additional boundary landscape planting will be provided along the site's eastern and southern boundaries.
- The majority of the homes delivered will be of a maximum of 2 storeys in height. Any properties above two storeys in height will be "room in roof" style (2.5 storeys in height) and located within the central areas of the site.
- The scheme has been designed to deliver well defined hierarchy of streets and spaces;
- Sustainable Urban Drainage Systems will be incorporated within the proposals. The ability to deliver above ground features will only potentially be deliverable as part of the larger site option.
- The capability for electric vehicle charging through the provision of a 13-amp electrical socket will be discussed with the Council through an appropriately worded planning condition
- A lighting scheme to minimise glare, reduce energy usage, and protect amenity will be submitted to discharge any future appropriately worded condition.

2.26 The development proposals can deliver each of RDC's site specific development principles for the Land South of Swineherd Lane, Kirkbymoorside site.

THE CASE FOR THE ALLOCATION OF THE LARGER COMPREHENSIVE DEVELOPMENT OPTION AT SWINEHERD LANE, KIRKBYMOORSIDE

3.1 We believe that there is a strong argument for the future allocation of W & W Estates larger proposed site option at Swineherd Lane, Kirkbymoorside for residential development within the Sites Local Plan document on account of the following planning considerations: -

- The comprehensive development proposals would deliver a sustainable housing scheme of circa 80 homes providing the ability to meet a range of housing needs, including 28 affordable homes or 35%.
- There are a number of local services and facilities available within proximity of the site.
- There are no known technical issues that would preclude the development of the site.

- The site is **available** now as it is under the control of a house builder who is actively seeking to secure the site's allocation for residential development.
- The site can also be considered **achievable** as new homes can be delivered on the site within the next year.
- The site would not have an adverse impact of the character of the Town or the wider landscape setting due to its location in the context of the Town's settlement form.
- The larger site option would virtually double the socio-economic benefits of the proposed site allocation Site Ref. SD7.
- Deliverability concerns associated with the two existing Gladman Development sites located in Kirkbymoorside and Sherburn (discussed below).
- Deliverability and sustainability concerns associated with RDC Housing Allocations Ref.SD8 (discussed below)

3.2 There is also the argument that the larger proposed site option relates to only an additional 35 dwellings, just 1% of the District's identified housing needs, a scale which would not be detrimental to the spatial strategy of the District and thus the site could be allocated without the need to reduce the size or lose other proposed allocations across the District. Its allocation could also provide further flexibility should other potential sites not prove deliverable in future years.

3.3 Within our previous representations to the Sites Local Plan, submitted to RDC by letter dated 21st December 2017, we provided evidence to demonstrate the deliverability of our client's expanded site option. This letter is enclosed with this statement for ease of reference. We request that this letter is reviewed alongside this statement.

QUESTION 3.3, 3.4 & 3.5 – DELIVERABILITY CONCERNS WITH EXISTING RESIDENTIAL COMMITMENTS – POLICY SD1

3.3 If a planning permission expires, is it still allocated for residential development for the remainder of the plan period?

- 4.1 Our clear position on this is that the site would not be allocated for development. If the permission is allowed to expire by the landowner, promoter or developer then the site cannot be considered deliverable for residential development. This would more than likely be on account of availability or achievability matters.
- 4.2 The landowner, promoter or developer usually have 3 years post permission to commence development following the granting of a full application, 3 years post permission to submit a reserved matters application following the granting of an outline application, or 2 years post permission to commence development following the approval of reserved matters.
- 4.3 Furthermore, the landowner, promoter or developer would have had the same period of time to seek to extend the timescales associated with the development of a site.
- 4.4 Consequently, where permissions have lapsed this is robust evidence to demonstrate the site is simply not deliverable.
- 4.5 In such circumstances, the site should be removed from RDC's housing land supply figures and should be replaced by truly deliverable residential development sites.

3.4 How would the Council assess a proposal for a revised or alternative development?

- 4.6 In such circumstances any new planning application submitted on such sites should be assessed against up to date and relevant local and national planning policy at that time.
- 4.7 However, given the implications associated with the ability of RDC to meet their identified market and affordable housing requirements, we believe that clear evidence should be submitted to the Council to demonstrate that the previous deliverability concerns could be overcome.
- 4.8 With particular regard to affordable housing delivery, the Council’s 2016 Strategic Housing Market Assessment identifies a need to deliver 78 affordable homes a year across the District. However, the Council’s latest Annual Monitoring Report identifies a persistent undersupply of affordable housing over a 4-year period when measured against this requirement. Evidence of which is provided in the table below taken from Page 30 of the Council’s latest Annual Monitoring Report: -

Year	Affordable Homes Completed & Available with RSL	Affordable Homes completed
2016/17	54	47
2015/16	30	53
2014/15	67	47
2013/14	40	60

- 4.9 It is therefore imperative that where existing commitments lapse, these should be replaced with truly deliverable residential development sites that can meet the identified market and affordable housing needs of the District.

3.5 Are all of the sites developable within the Plan period?

- 4.10 The Sites Local Plan includes two existing Gladman Developments planning consents located in Kirkbymoorside and Sherburn. Sites which have benefited from planning permission for some time and which show no signs of being developed at the point of writing this statement.
- 4.11 Land at Westfields, New Road/Kirkdale Lane, Kirkbymoorside was granted outline planning approval (Ref.13/01314/MOUT) for the following development on the 13th February 2014: -

“Development of up to 225no. (Use Class C3) residential dwellings, the provision of expansion land to Kirkbymoorside Community Primary School (Use Class D1), landscape, open space, highway improvement works and associated works (site area 11.6ha)”.
- 4.12 A reserved matters planning application was submitted to RDC in November 2017. However, the reserved matters planning application has been submitted by Gladman Developments and not a recognised housebuilder which confirms the longstanding concerns over the deliverability of this site.
- 4.13 Though we do not wish to speculate, we presume that the reserved matters application has been submitted to ensure that Gladman Development’s interest in the site does not legally lapse. As we know of no other schemes in the country where they themselves have delivered the homes which they have obtained outline planning approval for.
- 4.14 In any event, this will result in further delays to the delivery of new homes at the site. Firstly, due to the fact that should the application be approved it is still likely that another housing

developer will need to apply for their own reserved matters approval to deliver their own preferred house types and housing mix. This would result in at least a further 6-month delay, but more realistically a delay of a further year to enable land negotiations to take place between Gladman Developments and the prospective housebuilder.

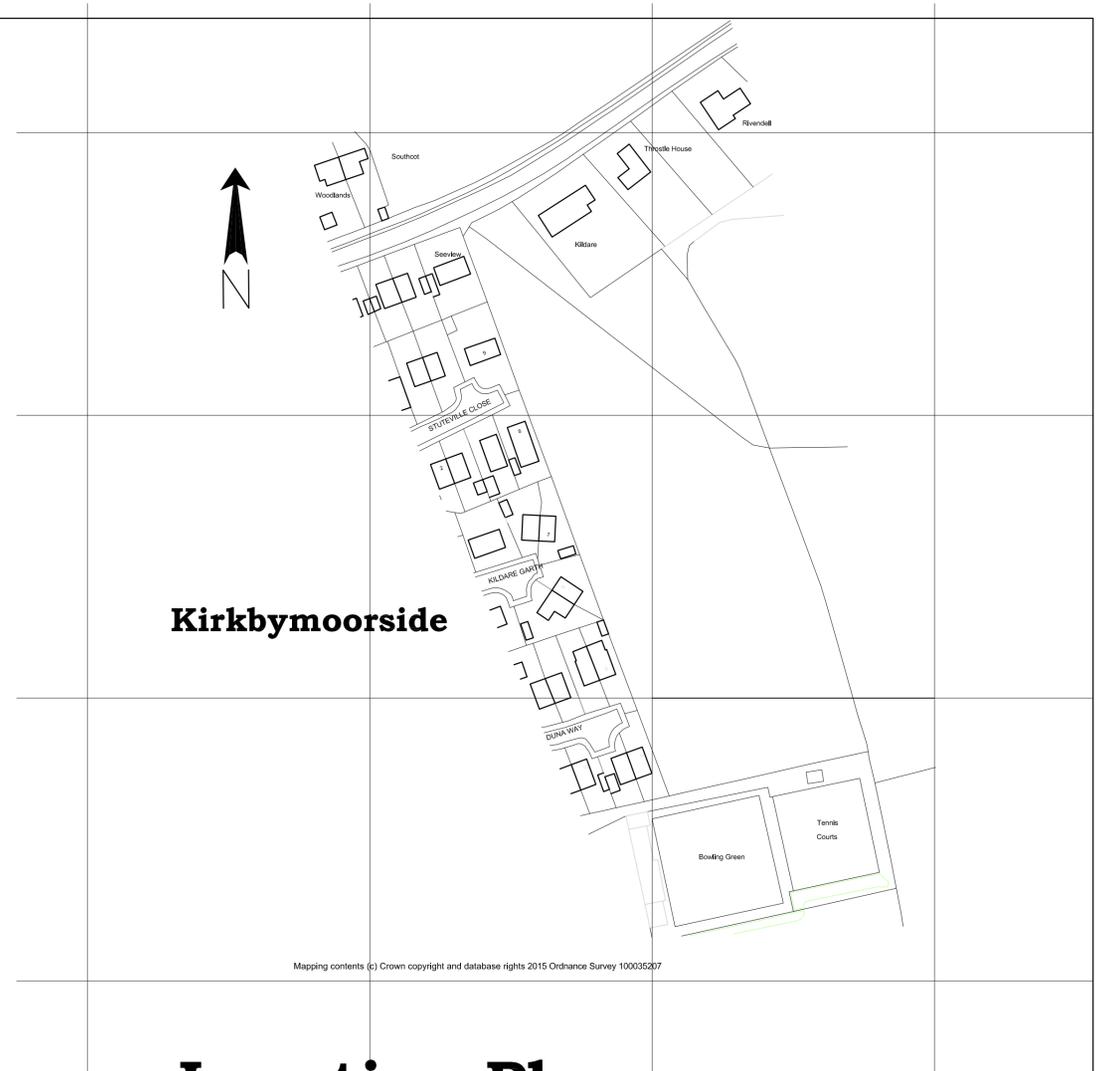
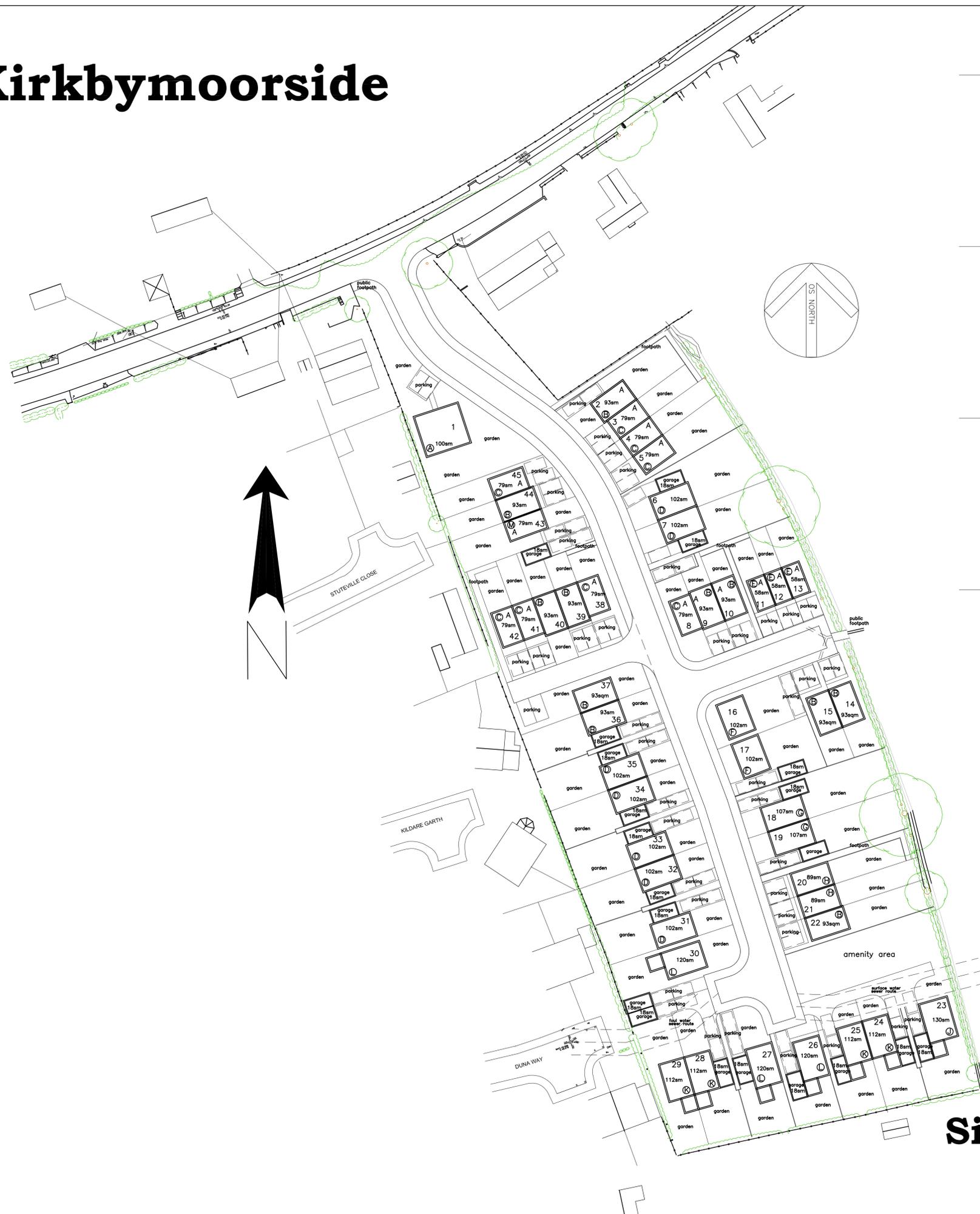
- 4.15 Whilst the risk that the site will never come forward for development is real, due to the delays associated with the site's delivery identified above, there is also a case to be made that the whole of the development will not be delivered before the end of the Ryedale Local Plan Strategy plan period of 2027. Due to the site's size, there would be one development/selling outlet delivering new homes at the site. It is therefore anticipated that the development will deliver a yield of at least 35 homes per annum, which would mean that subject to the delays to commencement of development identified above, the site would still have remaining dwelling capacity beyond 2027.
- 4.16 For the avoidance of any doubt, on account of the site's planning and development history, we are of the clear view that there are substantial questions marks associated with whether the site will be delivered at all.
- 4.17 The same can also be said for the Gladman Developments site located at Manor Farm, High Street, Sherburn. The site was granted outline planning approval (Ref.14/01207/MOUT) by RDC for the following development on the 3rd November 2015: -
- “Demolition of 1 no. existing cow shed, erection of up to 73 no. residential dwellings (including up to 35% affordable housing), structural planting and landscaping, informal public open space, children’s play area, surface water attenuation, a vehicular access point from Sked Dale road and associated ancillary works (site area 3.16ha).”***
- 4.18 At the point of writing this statement no reserved matters application have been submitted to RDC in respect of the development. Nearly three years since the approval of the outline planning application. Whilst the outline planning application went lapse until November 2018, the planning history of the site again raises serious question marks over the deliverability of the site. Indeed, we are not aware of any housebuilders who are actively seeking to deliver homes from the site.
- 4.19 It is anticipated that the application will have lapsed before the conclusion of the examination of the Ryedale Sites Local Plan. Accordingly, there are serious doubts associated with the delivery of 73 homes from the site.
- 4.20 The combined planning permissions of the two sites equates to **298 homes** that RDC have included within their current housing delivery calculations, which we believe are unlikely to come forward.
- 4.21 Should, as currently envisaged, these sites not come forward for development then we are of the view that RDC should seek to allocate sites that are demonstrably more capable of delivery of housing in sustainable locations within the District in their place. Including W & W Estates larger proposed site option at Swineherd Lane, Kirkbymoorside which could deliver an additional 35 (80 in total including existing proposed allocation Site.Ref.SD7) of the 298 homes within the next 5 years.
- 4.22 Relying on existing committed developments that do not provide certainty of delivery will result in the loss of the socio-economic benefits associated with the delivery of these homes, including the provision of **105 affordable homes**, which as identified in our response to Question 3.4 above, are of course in great need and demand in the District.

- 4.23 Furthermore, given that new planning applications would need to be submitted for the delivery of the reallocated 298 homes, this would mean that the Council would benefit from substantial Community Infrastructure Levy payments associated with the delivery of the new housing sites.
- 4.24 We believe the above evidence provides further justification for RDC to allocate W & W Estates larger proposed site option at Swineherd Lane, Kirkbymoorside.

QUESTION 3.17 - RESIDENTIAL LAND ALLOCATIONS IN LOCAL SERVICE CENTRES (MARKET TOWNS) (KIRKBYMOORSIDE) – POLICY SD8

- 5.1 It is our view that the larger development option being put forward by W&W Estates should be considered preferable to proposed housing allocation Ref. SD8, or indeed allocated in addition to it, given that it can be considered a more sustainable and deliverable residential development site.
- 5.2 This conclusion is reached on account of the potential for the larger proposed development option to deliver additional socio-economic benefits to Kirkbymoorside and as our client's site is located in a more sustainable location in respect of accessibility to the Town Centre and existing services and facilities. Furthermore, in this instance, providing a comprehensive development in one single location will reduce the impact on the character of the Town and the wider landscape setting.
- 5.3 One further important reason as to why the larger proposed development option can be considered more deliverable than Site Ref. SD8, is on account of direct developer interest. W & W Estates are promoting the larger site option directly and are in a position to be able to deliver new homes at the site within the next year. Subject to RDC accepting the principle of the larger site's development.
- 5.4 At the point of writing this letter, we do not believe that Site Ref. SD8 is being promoted for development directly by a developer. This would potentially have two impacts in respect of their delivery. The first being potential delays to delivery by approximately 18 months associated with the landowner seeking outline planning consent themselves, followed by land negotiations with a housebuilder and the subsequent need for the housebuilder to submit a reserved matters planning application to deliver their own preferred house types and housing mix. More seriously, the lack of direct developer interest could also be on account of the sites not being considered deliverable by housebuilders at this stage. Issues that the larger proposed site option at Swineherd Land would of course not raise in respect of meeting RDC's housing delivery targets.
- 5.5 On account of the above, W & W Estates' larger proposed site option therefore represents a more deliverable and sustainable residential development site than RDC's current proposed housing allocations Ref.SD8 and Ref.SD9.

Kirkbymoorside



Kirkbymoorside

Location Plan

Note/key

- Ⓟ Indicates house type
 - 14 Indicates house number on development
 - 93sqm Indicates total internal floor area of house
 - A Indicates affordable house location as notes below
- Houses for plots 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 38, 41, 42, 43 and 45 are local assisted purchase or rented local occupancy properties
 Houses for plots 1, 6, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40 and 44 are open market properties

Site Plan

Rev C layout amended May 2018
 Rev B layout amended May 2018
 Rev A layout amended March 2018

W & W Estates Limited
 Land at Swineherd Lane
 Kirkbymoorside
 North Yorkshire

proposed site layout & Location plan

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SCALE 1:500, 1:1250 @A1 DRAWING 1614/3C

Mrs Jill Thompson
Forward Planning Manager
Forward Planning and Conservation
Ryedale District Council
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North Yorkshire
YO17 7HH

21st December 2017

Dear Jill,

RYEDALE PLAN – LOCAL PLAN SITES DOCUMENT - PUBLICATION VERSION – PROPOSED HOUSING ALLOCATION SITE REF.SD7 – LAND SOUTH OF SWINEHERD LANE, KIRKBYMOORSIDE

We write on behalf of our client W & W Estates Ltd to outline their **support** for the proposed allocation of the Land South of Swineherd Lane, Kirkbymoorside site for residential development under Policy SD7 of the Ryedale Plan Local Plan Sites Document.

The site can deliver a comprehensive development of market and affordable housing alongside a number of community benefits to meet the needs and aspirations of the local area over the plan period.

The site has been identified by Ryedale District Council (RDC) as one of the potential housing options in Kirkbymoorside since 2015. Pre-application discussions have already taken place with RDC (Ref.15/001190/PREAPP) and we can confirm that our client is now working towards the submission of a planning application within the next 6 months.

The development proposals are situated in a suitable and highly sustainable location in respect of existing settlement form and there are no technical or environmental (built and natural) constraints that would preclude the development of the site.

Whilst we write to support RDC's proposed allocation of the site under Policy SD7 of the Ryedale Local Plan Sites Document, our client has recently held discussions with the owners of the parcel of land located adjacent to the east of the site in respect of providing a comprehensive development of the two sites. This letter therefore provides the Council with two development options within this area of Kirkbymoorside. The planning case for the larger site proposal is explained below.

This letter provides updated evidence to establish the site's planning, sustainability and deliverability criteria.

PLANNING & SUSTAINABILITY CONTEXT

The site which is proposed to be allocated for residential development comprises a 1.3-hectare field located immediately adjacent to the built-up area of Kirkbymoorside. The site is surrounded by existing residential development located to the north and west, recreational development to the south, whilst also having landscape boundaries to the east.

The eastern parcel of land that could be utilised to deliver a larger, more comprehensive development, comprises a 1.37-hectare private field that is bound by proposed site allocation Ref.SD7 to the west, Swineherd Lane to the north and open fields to the east and south.

Together, the two sites measure 2.67-hectares in size. Both sites are located within Flood Risk Zone 1.

The sites are located within 400m from the number of services and facilities located within the centre of Kirkbymoorside. Of particular note Kirkbymoorside Market Place, and the number of facilities this area provides, is located within walking distance. The sites can be accessed via the existing highways of Swinehead Lane, Duna Way and Stuteville Close. For the avoidance of any doubt, following pre-application discussions with RDC and North Yorkshire County Council (NYCC) vehicular access to the sites will be taken from Swineherd Lane.

With regards to the site's location in relation to public transport modes other than the private car, the site is located within walking distance from bus stops located on the A170 road and the Market Place.

Kirkbymoorside is identified as a Local Service Centre (Market Town) in Policy SP1 of the adopted Ryedale Local Plan Strategy Document, where, due to the Town's role and function, it is appropriate to focus limited growth to address housing requirements. The document identifies the following key considerations in respect of the identification of development sites:-

- *deliver against the Objectives and Policies of the Plan, policy standards and Community Infrastructure Levy (CIL) requirements;*
- *support access on foot to centrally located shops, services and facilities;*
- *be compatible with neighbouring land uses;*
- *avoid adverse impacts on interests of acknowledged importance;*
- *be accommodated without detriment to the character of the settlement and its setting; &*
- *satisfactorily address highway capacity and safety*

Policy SP2 of the Local Plan Strategy document provides guidance on the distribution of new homes within the Ryedale. Kirkbymoorside is allocated approximately 10% of all new homes, equating to circa 300 new homes. The policy further states that the pattern of potential site allocations will be focused around the identification of small-medium sized sites predominantly to the north of the A170 and to the east and west of the town avoiding coalescence with Keldholme.

Taking into account the relevant policies contained within the Ryedale Local Plan Strategy document, it is our view that there are no detailed/technical planning policy matters that would preclude the development of the site.

Indeed, following pre-application discussions with RDC it has been made clear that there are no unsurmountable concerns with the development of the site in respect of design or technical matters.

THE DEVELOPMENT PROPOSALS

Enclosed with this letter are two Indicative Planning Layouts, which identify the key characteristics of the development proposals. Two deliverable and viable development proposals are being put forward for RDC's consideration as follows: -

Development Option 1 – Proposed Site Allocation SD7 in Isolation: -

- A size, layout and configuration capable of supporting a sustainable housing scheme of circa 45 homes providing the ability to meet a range of housing needs;
- The delivery of a contribution to meeting affordable housing needs of 15 homes or 35% based on the District's current planning policy requirements;
- Appropriate vehicular access will be taken from Swineherd Lane, with new proposed pedestrian and cycle connections to existing linkages to the north, west and south of the site; &
- The provision of enhanced boundary landscaping along the eastern boundaries of the site.

Development Option 2 – Comprehensive Development of Proposed Site Allocation SD7 and Land Adjacent to the East: -

- A size, layout and configuration capable of supporting a sustainable housing scheme of circa 80 homes providing the ability to meet a range of housing needs;
- The delivery of a contribution to meeting affordable housing needs of 28 homes or 35% based on the District's current planning policy requirements;
- Appropriate vehicular access will be taken from Swineherd Lane through the proposed allocation Site Ref.SD7, with new proposed pedestrian and cycle connections to existing linkages to the north, east, west and south of the site;
- Provision of on-site public open space; &
- The provision of enhanced boundary landscaping along the eastern and southern boundaries of the site.

We consider that the two enclosed Indicative Planning Layouts demonstrates that the proposed development of the site could achieve a high standard of design that protects and enhances the local area's setting and character.

In addition we believe that the site can be considered a logical extension to the settlement area of Kirkbymoorside, with the site being largely enclosed on all sides. It is considered that other potential housing sites in the settlement would not benefit from similar defensible boundaries and would have more of an impact on the countryside.

DELIVERABILITY ASSESSMENT

In accordance with Footnote 11 of Paragraph 47 of the National Planning Policy Framework, the site can therefore be considered as a Deliverable residential development site on account of: -

Suitability

The site is located in a suitable location for residential development now. As identified above, a sustainable development can be delivered at the site with pedestrian and cycle access to existing services, facilities and public transport. A suitable access can be provided from existing highways. There are no other technical constraints, including drainage matters, which would preclude the development of the site for residential use.

Availability

The site is available for development now. The site is available for residential development as there are no legal or ownership constraints as W & W Estates Ltd have an interest in the site and have expressed an intention to develop the site for residential use immediately, subject to the site's retention as a proposed housing allocation and/or the allocation of the large development proposal.

Achievability

A viable housing development can be delivered on the site within the next 5 years. W & W Estates Ltd are seeking to develop the site for residential use within the next year. Prior to the progression of development sites, they undertake a thorough marketing and economic viability assessment for each site, including an assessment of any site specific abnormal costs. The site is considered to be achievable for residential development now as there is a realistic prospect that the site can deliver new homes within the next 5 years. Finally, pre-application discussions have commenced with RDC with the intention being the submission of a planning application within the next 6 months.

Deliverability Conclusion

The site can be considered a deliverable residential development site and its release would deliver significant economic and social benefits in the form of: -

- Construction Investment to the area;
- Creation of direct & indirect employment opportunities;
- A mix of homes to deliver identified housing needs;
- Social infrastructure investment to the area through Community Infrastructure Levy payments;
- Increased expenditure from residents to the area; and
- Council Tax payments & New Homes Bonus payments which will help to sustain Council's services.

The above assessment corroborates the conclusions of our pre-application discussions with RDC which confirmed that there are no unsurmountable concerns with the development of the site in respect of design or technical matters.

With regards to the socio-economic benefits that the site can deliver, as identified above there are two development options being proposed. Whilst they both represent deliverable and viable development opportunities to deliver an important contribution to the District's housing needs, the difference between the two options is associated with the increase in proposed residential dwellings and, of course, the proportionate economic and social benefits associated with the delivery of more homes from the site.

In effect, the larger development proposal (Option 2) would almost double the socio-economic benefits that the development of the site can deliver. We consider this to be an important consideration for RDC's future assessment of whether the larger development option should be identified as a proposed housing allocation within future versions of the Ryedale Sites Local Plan document.

DELIVERY TIMESCALES

Subject to the RDC's retention of the allocation of Site Ref. SD7 of the allocation of the larger site for residential use, it is envisaged that a planning application could be prepared and submitted to RDC by summer of 2018.

Taking into account the proposed submission date it is currently envisaged that first dwelling completions on the site will take place in the monitoring year 2019/20. Other than the delivery of the site's initial access infrastructure there are no other major infrastructure works that need to take place prior to the commencement of delivery of new homes on the site. Accordingly, the development will commence within a year of the submission of the planning application.

It is anticipated that the development will deliver a yield of at least 30 homes per annum. The table below provides the site's cumulative dwelling delivery projection per annum that RDC can use within their forthcoming housing trajectory work. A delivery projection is provided for each of the two potential Development Options for the site.

Year	Option 1 – Site Ref.SD7	Option 2 – Site Ref.SD7 & Adjacent Site
2018/2019	0	0
2019/2020	30	30
2020/2021	45	60
2021/2022		80

Affordable housing and identified areas of public open space and landscape planting will be delivered commensurate with the progression of the development and made available for use at an agreed point with the Council.

The development proposals can therefore deliver benefits to Kirkbymoorside within the first five-year period of the Local Plan, alongside making an important contribution to the Council's ongoing 5-year housing land supply requirements.

POLICY SD7 - SITE SPECIFIC DEVELOPMENT PRINCIPLES

With regards to the detailed policy criteria attached to the proposed allocation of Site Ref.SD7, we provide the following conclusions: -

- Vehicular access will be taken from Swineherd Lane.
- Pedestrian and cycle only access will be provided from Duna Way, Stuteville Close and to the recreation facilities located to the south of the site.
- The development will also take into consideration the PROW that runs through the site.
- Additional boundary landscape planting will be provided along the site's eastern and southern boundaries.
- The majority of the homes delivered will be of a maximum of 2 storeys in height. Any properties above two storeys in height will be "room in roof" style (2.5 storeys in height) and located within the central areas of the site.
- The scheme has been designed to deliver well defined hierarchy of streets and spaces;
- Sustainable Urban Drainage Systems will be incorporated within the proposals. The ability to deliver above ground features will only potentially be deliverable as part of the larger site option.
- The capability for electric vehicle charging through the provision of a 13-amp electrical socket will be discussed with the Council; and
- A lighting scheme to minimise glare, reduce energy usage, and protect amenity will be submitted to discharge any future appropriately worded condition.

Further to the undertaking of additional discussions with officers of RDC and NYCC, the development proposals will deliver each of RDC's site specific development principles for the Land South of Swineherd Lane, Kirkbymoorside site. Whether the site is developed in isolation or along with the adjacent site located to the east.

FURTHER TECHNICAL WORK

Initial survey work undertaken by our client in respect of the site's development have not identified any issues that would adversely impact on the site's deliverability.

However, our clients would be willing to undertake further, more detailed, technical assessments as required in order to demonstrate that there are no technical constraints that would preclude the development of the site.

Subject to the site being identified as a draft housing allocation, our client would seek to be in a position to submit a planning application at the site by summer 2018. Accordingly, further detailed technical surveys including highways, drainage, ecology and ground investigation work could be undertaken within the next 6 months.

DELIVERABILITY CONCERNS WITH THE OTHER PROPOSED HOUSING ALLOCATIONS IN KIRKBYMOORSIDE

RDC have only identified two further potential housing allocations located within Kirkbymoorside as follows: -

- Site Ref. SD8 - Land to the north of Keld Head Close – 18 Homes; &
- Site Ref. SD9 - Land to the north of Swineherd Lane (The Old Brickworks) – 8 Homes.

It is our view that the larger development option being put forward should be considered preferable to both of the above housing allocations, or indeed allocated in addition to them, given that it can be considered a more sustainable and deliverable residential development site than both of the proposed allocations listed above.

This conclusion is reached on account of the potential for the larger proposed development option to deliver additional socio-economic benefits to Kirkbymoorside and as the site is located in a more sustainable location in respect of accessibility to the Town Centre and existing services and facilities. Furthermore, in this instance, providing a comprehensive development in one single location will reduce the impact on the character of the Town and the wider landscape setting.

One further important reason as to why the larger proposed development option can be considered more deliverable than both of the two allocations listed, is on account of direct developer interest. W & W Estates are promoting the larger site option directly and are in a position to be able to deliver new homes at the site within the next year. Subject to RDC accepting the principle of the larger site's development.

At the point of writing this letter, we do not believe that either Site Ref. SD8 or Site Ref. SD9 are being promoted for development directly by a developer. This would potentially have two impacts in respect of their delivery. The first being potential delays to delivery by approximately 18 months associated with the landowner seeking outline planning consent themselves, followed by land negotiations with a housebuilder and the subsequent need for the housebuilder to submit a reserved matters planning application to deliver their own preferred house types and housing mix. More seriously, the lack of direct developer interest could also be on account of the sites not being considered deliverable by housebuilders at this stage. Issues that the larger proposed site option at Swineherd Land would of course not raise in respect of meeting RDC's housing delivery targets.

On account of the above, W & W Estates larger proposed site option therefore represents a more deliverable and sustainable residential development site than RDC's current proposed housing allocations Ref. SD8 and Ref. SD9.

DELIVERABILITY CONCERNS WITH EXISTING RESIDENTIAL COMMITMENTS

Whilst we acknowledge that RDC have sought to allocate additional housing sites to cater for the potential under-delivery of existing housing commitments within the District, the draft Sites Local Plan Document does not identify any concerns associated with the two existing Gladman Developments planning consents located in Kirkbymoorside and Sherburn. Sites which have benefited from planning permission for some time and which show no signs of being developed at the point of writing this letter.

Land at Westfields, New Road/Kirkdale Lane, Kirkbymoorside was granted outline planning approval (Ref.13/01314/MOUT) for the following development on the 13th February 2014: -

“Development of up to 225no. (Use Class C3) residential dwellings, the provision of expansion land to Kirkbymoorside Community Primary School (Use Class D1), landscape, open space, highway improvement works and associated works (site area 11.6ha)”.

Whilst we are aware of a lack of developer appetite for the proposed development, including undertaking a number of appraisals ourselves for national developers, a reserved matters planning application was submitted to RDC in November 2017. However, the reserved matters planning application has been submitted by Gladman Developments and not a recognised housebuilder which confirms the longstanding concerns over the deliverability of this site.

Though we do not wish to speculate, we presume that the reserved matters application has been submitted to ensure that Gladman Development's interest in the site does not legally lapse. As we know

of no other schemes in the country where they themselves have delivered the homes which they have obtained outline planning approval for.

In any event, this will result in further delays to the delivery of new homes at the site. Firstly, due to the fact that should the application be approved it is still likely that another housing developer will need to apply for their own reserved matters approval to deliver their own preferred house types and housing mix. This would result in at least a further 6-month delay, but more realistically a delay of a further year to enable land negotiations to take place between Gladman Developments and the prospective housebuilder.

Whilst the risk that the site will never come forward for development is real, due to the delays associated with the site's delivery identified above, there is also a case to be made that the whole of the development will not be delivered before the end of the Ryedale Local Plan Strategy plan period of 2027. Due to the site's size, there would be one development/selling outlet delivering new homes at the site. It is therefore anticipated that the development will deliver a yield of at least 35 homes per annum, which would mean that subject to the delays to commencement of development identified above, the site would still have remaining dwelling capacity beyond 2027.

For the avoidance of any doubt, on account of the site's planning and development history, we are of the clear view that there are substantial questions marks associated with whether the site will be delivered at all.

The same can also be said for the Gladman Developments site located at Manor Farm, High Street, Sherburn. The site was granted outline planning approval (Ref.14/01207/MOUT) by RDC for the following development on the 3rd November 2015: -

“Demolition of 1 no. existing cow shed, erection of up to 73 no. residential dwellings (including up to 35% affordable housing), structural planting and landscaping, informal public open space, children’s play area, surface water attenuation, a vehicular access point from Sked Dale road and associated ancillary works (site area 3.16ha).”

At the point of writing this letter no reserved matters application have been submitted to RDC in respect of the development. Over two years since the approval of the outline planning application. Whilst the outline planning application went lapse until November 2018, the planning history of the site again raises serious question marks over the deliverability of the site. Indeed, we have never been contacted by any housebuilders with regards to appraising the site's planning and deliverability potential.

When combined the two sites equate to nearly 300 homes that RDC have included within their current housing delivery calculations. Should, as currently envisaged, these sites not come forward for delivery then we are of the view that their housing capacity should be re-located to other deliverable and sustainable development sites located within the District. Including W & W Estates larger proposed site option at Swineherd Lane, Kirkbymoorside which could deliver an additional 35 (80 in total including existing proposed allocation Site.Ref.SD7) of the 300 homes within the next 5 years.

Without doing so the socio-economic benefits associated with the delivery of 300 homes will be lost. Including the provision of up to 105 affordable homes, which are of course in great need and demand in the District. Furthermore, given that new planning applications would need to be submitted for the delivery of the relocated 300 homes, this would mean that the Council would benefit from Community Infrastructure Levy payments associated with the delivery of the new housing sites.

We believe the above evidence provides further justification for RDC to allocate W & W Estates larger proposed site option at Swineherd Lane, Kirkbymoorside.

THE CASE FOR THE ALLOCATION OF THE LARGER COMPREHENSIVE DEVELOPMENT OPTION AT SWINEHERD LANE, KIRKBYMOORSIDE

On account of the above, we believe that there is a strong argument for the future allocation of W & W Estates larger proposed site option at Swineherd Lane, Kirkbymoorside for residential development within the Sites Local Plan document on account of the following planning considerations: -

- There are a number of local services and facilities available within proximity of the site.
- There are no known technical issues that would preclude the development of the site.
- The site would not have an adverse impact of the character of the Town or the wider landscape setting due to its location in the context of the Town's settlement form.
- The larger site option would virtually double the socio-economic benefits of the proposed site allocation Site Ref. SD7.
- Deliverability and sustainability concerns associated with RDC Housing Allocations Ref.SD8 & Ref.SD9.
- Deliverability concerns associated with the two existing Gladman Development sites located in Kirkbymoorside and Sherburn.

Furthermore, there is also the argument that the larger proposed site option relates to only an additional 35 dwellings, just 1% of the District's identified housing needs, a scale which would not be detrimental to the spatial strategy of the District and thus the site could be allocated without the need to reduce the size or lose other proposed allocations across the District. Its allocation could also provide further flexibility should other potential sites not prove deliverable in future years.

CONCLUSION

Based on the justification provided above and the accompanying documents it is considered that W & W Estates Ltd's Kirkbymoorside proposals will create a sustainable, high quality and accessible development which will provide significant social and economic benefits to Kirkbymoorside and the wider Ryedale District area.

Our client supports RDC's proposed allocation of Site Ref.SD7. However, they request that RDC considers the allocation of a larger proposed development option (which includes land located adjacent to the east) in order to double the socio-economic benefits of the development.

The development proposals are situated in a **suitable** and highly sustainable location and there are no technical or environmental (built and natural) constraints that would preclude the development of the site. The site is **available** now as it is under the control of a house builder who is actively seeking to secure the site's allocation for residential development. The site can also be considered **achievable** as new homes can be delivered on the site within the next year.

The inclusion of the larger site option as a draft housing allocation within future versions of the Ryedale Local Plan Sites Document is required in order to contribute to the potential shortfall of homes on account of deliverability and sustainability concerns associated with the two proposed housing allocations Site Ref.SD8 and Site Ref.SD9, and the two existing Gladman Development sites located in Kirkbymoorside and Sherburn.

The proposals are also located in a more sustainable location than the two proposed allocation in Kirkbymoorside in respect of accessibility to the Town Centre and existing services and facilities. Furthermore, in this instance, providing a comprehensive development in one single location will reduce

the impact on the character of the Town and the wider landscape setting. Finally, as the proposals would only amount to 1% of the District's total housing requirement, the site's allocation could also provide further flexibility should other potential sites not prove deliverable in future years.

We trust that the information provided will be taken into consideration in the preparation of the Ryedale Sites Local Plan and specifically RDC's decisions in respect of future housing allocations.

We wish to work closely with RDC in respect of the preparation of future documentation associated with the emerging Local Plan Sites Document. In this regard should you need any further information or wish to discuss anything further, please do not hesitate to contact me.

Yours faithfully

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