

**RYEDALE SITES LOCAL PLAN – MATTER 4**

**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.
- 1.8 We respond below to the Inspector's specific questions in respect of housing supply and delivery of relevance to this site.

**HOUSING SUPPLY & DELIVERY**

*Response to Questions 4.1 & 4.2*

**Deliverability Concerns with Existing Residential Commitments**

- 2.1 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.
- 2.2 Land at Westfields, New Road/Kirkdale Lane, Kirkbymoorside was granted outline planning approval (Ref.13/01314/MOUT) for the following development on the 13<sup>th</sup> 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)”.***

- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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 3<sup>rd</sup> 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).”***

- 2.9 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.

- 2.10 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.
- 2.11 If a planning permission expires, it is our clear position 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. Likely on account of availability or achievability matters. 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. 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.
- 2.12 Consequently, where permissions have lapsed this is robust evidence to demonstrate the site is simply not deliverable. 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.
- 2.13 The combined number of homes from the two sites identified above equates to **298 homes** that RDC have included within their current housing delivery calculations, which we believe are unlikely to come forward.
- 2.14 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.
- 2.15 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 of course are in great need and demand in the District.
- 2.16 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.
- 2.17 We believe the above evidence provides further justification for RDC to allocate W & W Estates larger proposed site option at Swineherd Lane, Kirkbymoorside.

#### **Deliverability Concerns with Proposed Housing Land Allocation Ref.SD8**

- 2.18 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.

- 2.19 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.

Response to Question 4.3

- 3.1 In our response to the Inspector's Matter 3 questions we provide evidence to demonstrate that W&W Estates proposed housing allocation Ref. SD7 represents a deliverable and sustainable residential development site. This statement focuses on the proposed delivery timescales associated with the development of the site and thus replicates the answer we provided to Question K) of Matter 3.
- 3.2 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.
- 3.3 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.
- 3.4 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

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

Response to Question 4.6

- 4.1 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 above).
  - Deliverability and sustainability concerns associated with RDC Housing Allocations Ref.SD8 (discussed above).
- 4.2 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, as discussed in our answer to Questions 4.1 & 4.2.
- 4.3 Within our previous representations to the Sites Local Plan, submitted to RDC by letter dated 21<sup>st</sup> 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.