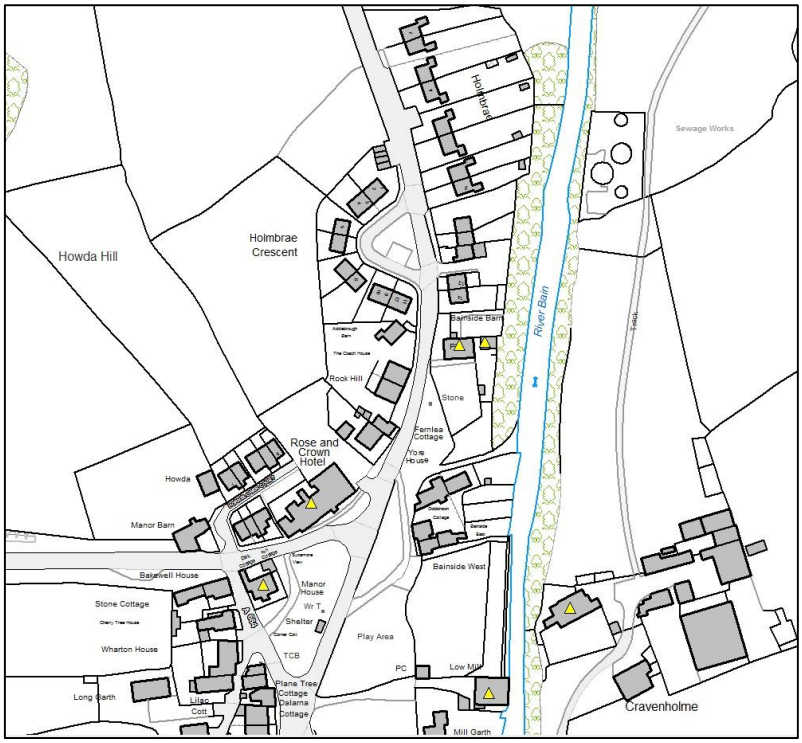
ITEM 3

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Bainbridge
Date:	9th February 2021	**Officer:**	Paul Martinson
Applicant:	Hornblower Developments Ltd	**Application No:**	R/52/238
Site Address:	Land to the rear of The Rose & Crown Hotel, Bainbridge		
Proposal:	full planning permission for erection of 2 No. two bedroom and 3 No. three bedroom affordable dwellings with associated parking and access road		



REASON FOR COMMITTEE CONSIDERATION

1. In the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

APPLICATION SITE

2. The application site is an agricultural field to the rear of the Grade II Listed Rose and Crown public house and to the east of the recently completed housing development at Hornblower Court. Although the land is initially flat where it joins the existing car park, it rises steeply to the north. A number of mature trees exist along the field boundaries which consist predominantly of traditional drystone walls. The site adjoins the garden boundaries of residential properties at Holmbrae Crescent and Addleborough Barn, Fernlea, The Coach House, and Rook Hill.

PROPOSAL

3. The application seeks planning permission for the erection of 5 affordable dwellings arranged as a pair of semi detached dwellings to the north and a terrace of 3 to the south. The site is located to the north west of the recently completed housing development at the Rose and Crown hotel.

4. The dwellings would be externally faced with stone with artificial stone roofs. Each dwelling would be provided with front gardens that would be part enclosed by dry stone walls. The rear boundaries with the field to the west would be defined by a native hedgerow with boundaries between dwellings being formed by timber fences. Native tree planting would be dotted around the development.

5. Access would be provided through the existing car park of the Rose and Crown with the access and the individual spaces being marked out. The parking would consist of a mix of designated parking alongside some of the dwellings with shared parking provided alongside the boundary with the car park serving the public house.

6. The affordable housing would consist of shared ownership allowing those in housing need to purchase a share of the housing (minimum 25% and maximum 80%) which would be managed by a Housing Association.

RELEVANT PLANNING HISTORY

7. R/52/94Z - full planning permission for erection of 2 No. two bedroom and 3 No. three bedroom affordable dwellings. Withdrawn 17 September 2020.

8. R/52/94V - full planning permission for demolition of existing outbuildings, erection of 5 No two bedroomed dwellinghouses and 3 No three bedroomed dwellinghouses and creation of new access and parking areas (Hornblower Court). Approved 3 June 2014

9. R/52/94W/LB - listed building consent for demolition of existing outbuildings. Approved 3 June 2014.

10. R/52/94S Full planning permission for erection of 6 two bedroomed dwellings and 2 three bedroomed dwellings with associated access road. Refused 1 December 2010.

CONSULTATIONS

11. The comments of statutory and non-statutory consultees are summarised below:

Bainbridge Parish Council - It was previously agreed at a meeting of Bainbridge Parish Council, following a public meeting, that whilst these properties are needed in the community, they are not needed on a shared ownership basis. This arrangement is not appealing to local people and has not proved successful in alleviating the housing crisis. The Council do not support the building of properties which will only be available on a shared ownership basis. Local people need local properties that are available for them to buy at truly affordable prices.

The issue of flooding on the land of this proposed development has been highlighted by both local residents and the Parish Council, and a meeting took place earlier this year with representatives of the Environment Agency and the Flooding Officer at NYCC. The Parish Council remain concerned that the issue of flooding has not been addressed and that the building of these properties is likely to exacerbate the situation in the event of the increasing trend for exceptional rainfall events.

The Parish Council support the proposal to build these properties, in principle, provided that the flooding issue is addressed and the properties are available for local people to purchase at truly affordable prices without having to enter into a shared ownership arrangement.

Yoredale Ward - Objects to the proposal as the experience at Scott Hills Bainbridge demonstrates shared ownership doesn't work. There is concern that if Broadacres cannot find a buyer they then rent out which then becomes open to anyone in Richmondshire.

All the 9 prospective original people who wanted to buy outright do not want shared ownership.This is more appropriate in urban areas where it is a step on the ladder to then go on to buy outright later. In the Dales the gap between affording to buy on the open market even after many years is still too high. In urban areas you can step up to 100% but in the National Park it stays at 80%.

This means rent rising each year, maintenance to pay and permission to change any aspect of your home even what colour to paint. Considers that shared ownership is more expensive than housing at a discounted rate. Requests a s.106 requiring agreement with the Parish Council and YDNPA to revert to affordable rented in the event that the shared ownership dwellings cannot be sold.

Rural Housing Enabler - The proposal to provide shared ownership is acceptable. It is a recognised government scheme, it is an affordable housing option and there is a need for it. For these reasons the Housing Authority support the proposal.

Wildlife Conservation Officer - No objections.

Historic England - Has concerns on heritage grounds regarding the location and design scheme of these proposals and do not consider that these proposals reflect the heritage sensitivities of the site. Considers that the application fails to preserve or enhance the character or appearance of the conservation area. Requests that the front gardens, stone boundary wall treatments and porches are omitted from the proposals and that a less formal and simpler architectural response is used. Also requests that the houses are re-sited to the southern boundary of the application site to bring them closer to the existing village envelope.

Highway Authority - Recommends refusal based on sub-standard visibility at access.

North Yorkshire Building Control - No response received.

North Yorkshire Fire & Rescue - It is not possible to determine if the proposal would meet B5 of Schedule 1 to the Building Regulations 2010 (as amended) from the plans.

Richmondshire Environmental Health - No response received.

NYCC Lead Local Flood Authority - The proposal demonstrates a reasonable approach to the management of surface water both on and off site without increasing flood risk elsewhere. The LLFA has no objection to the proposed development.

PUBLIC RESPONSES

12. 15 letters of objection have been received from local residents which are summarised below:

a) Concern that Bainbridge seems to bear the brunt of new housing
b) No proven need for shared ownership in Bainbridge. Houses in Scott Hill have struggled to sell and some are now being rented out.
c) Shared ownership is not affordable due to having to pay rent, maintenance fees and mortgage.
d) Local young people want low cost housing to buy and that they will choose to do that outside the area.
e) The Quaker Field or Bainbridge Methodist Chapel would be a better site for new housing.
f) Concern that these houses, like the last application, are not affordable and that people would need to be on a wage of £52,000 a year which is not the case locally with those on minimum wage.
g) Concern that the only test people would need to meet before purchasing the dwellings would be that they would need to earn less than £80,000 but the SHMA 2019 states an income of £37,075 is required in Richmondshire to be able to afford the entry level to shared ownership.
h) Concern that despite the works proposed to alleviate flooding, it will still occur and would cause greater problem for the properties further away from the site.
i) Concern as to where this water is going to go now the area will be built on.
j) The calculation for the 85m3 attenuation tank accounts for the increase in run-off from rain falling onto the hardstanding and roofs but does takes no account of the current infiltration of water entering from outside of the site through the very thin layer of topsoil.
k) Concern that the attenuation tank will fill rapidly and the overspill will flow directly over the hardstanding on to nearby properties.
l) Concern that vehicles struggling to find a parking space in the pub car park will block neighbouring accesses.
m) Concern with regard to additional traffic at entrance
n) The existing residents at Hornblower Court use the pub car park and there will be insufficient spaces if residents of the new housing use it also.
o) Concern that the Rose and Crown could close due to loss of its car park for access road. This would be contrary to policy C9 in the Local Plan.
p) Impact on views of neighbouring properties.
q) The development would contribute to light and noise pollution.

r) Concern over impact on services such as water, sewage, electricity, broadband etc.
s) Concern regarding the impact on the landscape.

ASSESSMENT

Key Issues:

- principle
- impact on designated heritage assets
- landscape impact
- impact on residential amenity
- highway safety
- biodiversity enhancement
- flooding
- neighbour consultation

Background

13. Members considered an application for affordable housing on a discount for sale basis at this site (R/52/94Z) at Committee in February 2018. Members resolved to approve the application subject to a legal agreement to secure a 30% discount on the sale of the dwellings in perpetuity.

14. Solicitors acting for the Holmbrae 2016 Residents Group (HRG), a group of nearby residents, issued a formal pre-action letter in which they claimed that any decision taken would be unlawful. Their grounds for challenge were as follows:

    i) That granting permission for the development on the basis of the information currently to hand would not comply with policy C2 of the Local Plan in respect of assessing the need for the affordable housing in Bainbridge;

    ii) That the Authority has adopted a flawed approach to the question of whether the development can be described as affordable housing, taking into account local incomes.

15. Members were given the opportunity to reconsider the application at the November 2018 Committee in the light of new evidence in the form of a housing needs survey (Arc4 Report) and the Authority's legal advice. Whilst it was considered that the need for affordable housing (ground i)) could be robustly demonstrated at any subsequent legal challenge, this was less clear for the second ground for challenge. This was due to at least 2 of the dwellings falling above the upper limit of the Lower Quartile Market Price Range. Members were advised that the dwellings would therefore be on the margins of affordability having regard to local incomes and house prices.

16. Counsel advised that the chance of successfully defending a JR challenge on the basis of ii) was by no means certain. This is because, taking into account the two valuations, at least some of the proposed dwellings would have been unaffordable to people who were in housing need, had a local connection and who had expressed an interest in buying them. Members resolved to approve the application in the light of the additional information and despite the threat of legal challenge.

17. The site owner and applicant requested to meet with the Authority in January 2019 and the legal advice was explained. In the light of the threat of legal challenge, the Authority advised the applicant that there were a number of options available to them: either; continue with the application and sign the legal agreement allowing the decision to be issued despite the legal threat; reducing the size of the dwellings, thus reducing the prices of all of the dwellings below the upper range of the Lower Quartile threshold making them more affordable; or investigate whether a Registered Provider would be interested in providing other forms of affordable housing such as Shared Ownership or Affordable Rent on the site.

18. After consideration, the applicant did not wish for any further delays arising from a judicial review case being considered in the High Court with no certainty of success and then chose to withdraw the previous application and pursue the current application for shared ownership that would be managed by a Housing Association.

Principle

19. The application site is located outside of the housing development boundary of Bainbridge and as such is within the open countryside for the purposes of planning policy. New housing in this location would therefore conflict with policy C1 of the Yorkshire Dales Local Plan (2015-2030) which seeks to limit new housing to the housing development boundaries of identified settlements. Policy C2 (rural exception sites) permits, as an exception to other policies, the small-scale development of sites that are adjacent to the development boundaries where this housing would be for 100% affordable housing and would meet an otherwise unmet local need. In order to be considered affordable, the occupation of the dwellings would be limited through a s.106 agreement to those in housing need meeting the local connection criteria defined in Appendix 6 of the Local Plan.

<u>Need</u>

20. The 2019 Yorkshire Dales National Park SHMA advises that there are 192 households in need of affordable housing of which 23 are located in the Richmondshire district. It therefore advises that 20 affordable rented homes are provided each year across the National Park. The provision of an additional 10 intermediate affordable homes across the Park per year is also advised by the SHMA. This gives a total requirement of 30 affordable homes per year across the National Park. This is broken down into 20 to satisfy needs from the housing register i.e. predominantly affordable rented, and 10 intermediate tenure dwellings. Whilst the intermediate target is not broken down to District level, this amounts to 3 per annum in Richmondshire on a pro-rata basis, based on population.

21. The objection received from the solicitors acting for the Holmbrae 2016 Resident's Group states this should be 1 per annum. This is presumably because they have extrapolated the district data from the housing register i.e. 23 households in Richmondshire out of 192 which equates to 12% of the total housing need. They have then rounded down to 1. However as advised above, the need based on the housing register data is proposed to be met by affordable rented housing i.e. 20 per year Park wide (192/10 = 20 per year, rounded up). The 10 intermediate units is a Park-wide figure on top of that need and is not broken down into individual districts. As it is not directly related to the housing register data a more appropriate means of determining the need per district would be on a population basis. Richmondshire

has a population making up 27% of the National Park hence the 3 units per year referred to above.

22. The scheme at West Witton (R/91/164) is currently under construction and the 6 intermediate discount for sale units approved there are currently being advertised for sale. It is understood that the development is likely to be completed within the summer of 2021. These are the only intermediate tenure dwellings that have been approved or delivered in the National Park since the 2019 SHMA was published. Adding the dwellings proposed as part of this application amounts to 11 dwellings in total. Bearing in mind that no intermediate dwellings have been delivered in 2019 or are likely to be delivered in 2020 and taking into account that it will take a while to get both of these schemes completed, it is considered that the proposed shared ownership dwellings would meet the proven local need in the SHMA and would not amount to over-provision. It is noted that there are currently only 20 shared ownership properties in the Richmondshire part of the National Park (0.7% of the dwelling stock). The schemes at Askrigg and Bainbridge Methodist Church referred to by the Holmbrae Residents Group are for affordable rented and therefore do not fall within the totals for intermediate affordable housing.

23. Whilst the HRG has stated that the need should be within Bainbridge itself, this is not a requirement of the policy which requires a 'proven local need' to be demonstrated. A local need for affordable housing within the Richmondshire part of the National Park and, in particular, intermediate affordable housing, has been proven through the evidence from the 2019 SHMA. Bainbridge is a sustainable location for affordable housing for families with a primary school, pub, shop, cafe and bus service. Bainbridge is therefore a suitable location to serve the housing needs of some of the less connected settlements with fewer services.

24. Local residents and the HRG have raised concerns that the Scott Hill development shared ownership dwellings were unpopular, difficult to sell and some had reverted to affordable rent. They also raised concerns that they were being occupied by people form outside the area. This development (R/52/18C) was approved in 2008 and included 15 affordable dwellings 8 of which were shared ownership. It is understood 3 of these have now reverted to affordable rent with 5 of the original 8 now occupied on a shared ownership basis.

25. In response to the concerns of the local residents, the SHMA advises that there is a need for intermediate dwellings and this is supported by the commitment of the Housing Association to provide the dwellings in this location and the comments made by the Housing Authority. Notwithstanding the above, it is noted that the proposed dwellings are quite different to those at Scott Hill which are predominantly flats without gardens in a converted building and therefore they are not directly comparable.

26. With regard to people from outside the area occupying the accommodation, this would be prevented by the housing being offered to those in the parish of Bainbridge first, followed by those in neighbouring parishes, before the whole of the National Park became eligible. Appendix 5 of the Local Plan advises that following this, the whole district housing area, in this case, Richmonshire, would become eligible.

27. The Housing Authority supports the application and advises that shared ownership is an acceptable affordable housing option that forms part of a recognised government scheme for which there is a need in the Richmondshire part of the National Park.

Alternative sites

28. In order to be acceptable in relation to policy C2, proposals need to demonstrate that there is no available alternative site within a housing development boundary.

29. The development boundaries around the settlements within the National Park are drawn quite tightly around their edges and the majority of these settlements are small and tight-knit in character. Policy C1 only permits new housing developments within the development boundaries of local service centres and service villages. Within Richmondshire these are limited to: Hawes, Reeth, Askrigg, Aysgarth, Bainbridge, Carlton, Carperby, East Witton, Grinton, Gunnerside, Healaugh, Hudswell, Langthwaite, Low Row, Muker, Thoralby, Thornton Rust, West Burton, and West Witton.

30. The availability of housing sites within the development boundaries of these settlements has been assessed by a survey of infill capacity carried out in 2015/16 by the Sustainable Development section. The settlement boundaries have not been amended since this date and policy C1 of the Local Plan only requires on-site affordable housing on sites greater than 11 units (in line with the Government's Ministerial Statement). The survey found the average capacity of windfall sites to be just 2 units and no sites exceeded the policy threshold for affordable housing with the highest being suitable for 8 houses.

31. There are also no extant planning permissions with an element of affordable housing within them. The West Witton scheme referred to above, was an allocated site outside of the development boundary and therefore would not meet the requirement of C2 a). The application for 2 affordable units at Bainbridge Methodist Chapel that is currently awaiting a legal agreement has stalled as it is understood that the North Yorkshire Dales Methodist Circuit has voted to sell the building to a new buyer and will no longer be pursuing the project. It is therefore now unlikely that this scheme will come to fruition. Notwithstanding this, the building would not provide 5 units of the scale nor would any dwellings arising from it have the facilities proposed as part of the current application.

32. The Quakers Field referred to in the letters of objection as a preferable site for housing is predominantly located in Flood Zones 2 and 3 due to its proximity to the River Bain. The NPPF advises against the development of areas with a higher risk of flooding such as this. It would be impossible to fit multiple dwellings with parking and gardens in the space outside of the Flood Zones. Notwithstanding this, the land is also designated as important open space due to its contribution to the character and appearance of the Bainbridge Conservation Area and protected by policy C13. It is therefore not suitable for development and would not represent an alternative available site within the housing development boundary.

33. Given that it has been reasonably demonstrated that there are no sites of 11 or more within development boundaries of either local service centres or service villages, it is concluded that there is not an alternative site available inside the housing development boundary for the purposes of C2 a) and the proposed development would comply with policy C2 in this respect.

Type of Affordable Housing

34. In the past, most affordable housing that has been delivered in the National Park has been houses available for affordable rent involving a Registered Provider of social housing such as a Housing Association. The current application proposes affordable housing based on the shared ownership model managed by a Housing Association. This is a national government-backed scheme aimed primarily at first-time buyers, with the homeowner purchasing a defined share of between 25% and 80% of the dwelling, and the Housing Association retaining the remaining share with an affordable rent being paid on this remaining share. Homeowners would seek a mortgage for the share that they intend to purchase with a minimum deposit of 5%. Homeowners are able to purchase more shares later as and when they can afford them; this is known as 'staircasing'. When homeowners wish to sell, the Housing Association has 'first refusal' on the property and also has the right to find a buyer. There are also special provisions for older people (over 55), avoiding the requirement to pay rent if 75% is owned, and for disabled people with specific living needs.

35. Those eligible: i.e. first time buyers, those who have previously owned a home but can no longer afford to purchase one and existing shared home owners, are assessed to determine whether they are in need of affordable housing by the Housing Association using the Homes and Communities Agency affordability index.

36. The applicant has confirmed that in the event that no buyer for the shared ownership product can be found, the dwelling would be able to revert to affordable rent which would also be subject to the local connection criteria with the rented dwelling being able to those in Bainbridge first, then neighbouring parishes and so on.

37. The applicant has agreed to enter into a s.106 agreement to secure the occupation of the dwellings by those in housing need meeting the local connection criteria outlined in the Local Plan and their management by a Housing Association on a shared ownership basis which would revert to affordable rented in the event that no buyer could be found.

Affordability

38. Some neighbour comments have raised concern that the houses are not affordable. The SHMA (2019) provides 2 helpful models with regard to shared ownership, based on a 25% & 50% ownership stake. Tables 4.12 and 4.13 of that document show that, a 25% product would result in a dwelling cost of £59k and require a household income of £37k to be affordable, while a 50% share would result in a dwelling cost of £118k and require a household income of £45k to be affordable. In order to determine affordability, the model uses a 3.5x household income multiple. The figures for the 25% share are based on the median price for a dwelling in Richmondshire (£237,000); a mortgage of 20% of the total value with a 5% deposit; annual service change of £395; and an annual rent based on 2.75% of the remaining equity. The 40% share is based on the median price for a dwelling in Richmondshire (£237,000); a mortgage of 40% of the total value with a 10% deposit; annual service change of £395; and an annual rent based on 2.75% of the remaining equity.

39. The SHMA demonstrates at 4.40 that shared ownership is a more affordable form of intermediate housing than discounted sale and at 4.43 notes that unlike other intermediate

tenures, the 25% product is affordable to those on median incomes. The SHMA also demonstrates the considerable reduction on income requirements that occur for a property to be affordable through provision of higher deposits.

40. Figure 4.6 demonstrates that those on median incomes cannot access either lower quartile or median market housing with a 10% deposit. Indeed with just a 10% deposit, those on lower quartile incomes are unable to access the shared ownership product, although it must be noted that those with larger deposits are likely to find this form of intermediate housing more accessible. Clearly therefore, whilst shared ownership is not affordable for those on the lowest incomes (without more substantial deposits), it is a route into home ownership for those on median incomes who are still unable to access market housing. The NPPF defines affordable housing as housing for sale or rent, for those whose needs are not met by the market. Shared ownership is defined as housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market.

41. The valuations provided for the proposed dwellings range from £202,000 – £215,000 to £270,000 - £280,000. This is within a range of 15% -18% above or below the median Richmondshire house price of £237,000. Looking at the median house price figure across the National Park the proposed dwellings would be 25% below and 4% above the median house price figure of £268,750. Based on table 4.6 it is clear that the dwellings would be within the affordable range that could be accessed by those on median incomes. Those on median incomes cannot access even lower quartile housing on the open market (assuming a 10% deposit) and as such it is clear that the proposal will address a need that is unmet by the market and would constitute affordable housing for the purposes of the NPPF.

42. In the event of one or more of the units not being purchased, they would be re-advertised for affordable rent which based on table 4.6 would open up the availability of the housing to those on lower incomes.

43. To conclude whilst this proposal is intermediate affordable housing that will not be affordable to those in housing need on the lowest incomes, assuming that all the units sell, it will still address a clear affordable housing need as well as a recent history of undersupply within this locality, the wider National Park and the Richmondshire District as a whole.

44. On the basis of the above it is concluded that the erection of 5 affordable dwellings on an exceptions site adjacent to an existing service centre is considered to be acceptable in principle and would comply with policy C2 of the Yorkshire Dales Local Plan (2015-2030).

Impact on designated heritage assets

45. The site is located within the Bainbridge Conservation Area. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines conservation areas as ‘areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’. Section 72 places a duty on planning authorities insofar as “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” when it considers proposals for development in the conservation area.

46. The site is located to the rear of the Rose and Crown public house, a Grade II Listed building which is protected in the national interest for its special historic or architectural interest. Section 16 of the Planning (Listed buildings and conservation areas) Act 1990, requires the planning authority to ”have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” when considering proposals for development.

47. The application site, whilst outside of the settlement boundary, is immediately adjacent to the built form of the village, being located between the rear of dwellings on the recently completed Hornblower Court development and the rear of the dwellings at Holmbrae Crescent with access through the pub car park. The dwellings would all be located on the existing flat area of the site with the rear gardens of the dwellings abutting the edge of the steeply rising land to the north west which would help to minimise their visual impact. The field at present makes a minimal contribution to the significance of the Conservation Area due to the steep backdrop, the site is ‘contained’ and does not form a prominent part of the landscape of the village. Its development for housing, providing this was of an appropriate scale and reflective of the character of the area, would therefore not be harmful to its significance.

48. There has been an objection to the application from Historic England who has advised that in its opinion the proposal fails to preserve or enhance the character or appearance of the Conservation Area. They raise concerns over the provision of front gardens, porches and stone boundary walls, and request that the buildings are brought closer to the edge of the housing development boundary i.e. the boundary of the existing car park. They also raise concerns over the effect on the setting of the Rose and Crown and the potential for the effect on below-ground archaeology.

49. Despite what is argued by Historic England, for the reasons outline above, the site does not form an important part of the conservation area as it is not prominent in public views. It can only be viewed in a gap between the Rose and Crown and the adjacent dwelling, where it is viewed across the large well-used car park of a public house or in very limited views from the A684, where it is predominantly screened by boundary walls, tree growth along the roadside and rising land. In views from the A684, the most prominent dwellings are the rear elevations of the ex-Local Authority dwellings at Holmbrae Crescent which are excluded from the conservation area: this view is not considered to be of particularly historic importance. Whilst the proposed dwellings could be seen in these limited views once constructed, they would be seen as part of the built form of the village alongside those at Holmbrae. It is therefore considered that there would be no material harm to the character and appearance of the Conservation Area or to any of its attributes that contribute to its significance. It is noted that just because a proposed development can be seen it does mean that it is harmful.

50. The significance of the relationship between the Rose and Crown and the field system beyond is not qualified in Historic England’s response, however it is considered that the primary relationship of the Rose and Crown is overwhelmingly with the village rather than its countryside setting given its long established use as a public house. Nonetheless it is considered that the Rose and Crown has already been severed from the countryside setting by the provision of the large car park. Officers consider that the development of the field adjacent to the car park would not amount to harm to the setting of the listed building.

51. Whilst Historic England advises against the provision of front gardens in their response, Officers consider that an open plan estate would be more suburban in appearance and would be inappropriate in this setting. However there are many examples of smaller dwellings with front gardens within the conservation area, not least those dwellings immediately adjacent to the site entrance.

52. Historic England do not consider the provision of stone walls appropriate however these are a strong boundary feature within the conservation area. Officers do consider that some of the stone walls that have been provided within the Hornblower estate are harsh and overly formal due to the extensive use of mortar, however it is recommended that the walls provided as part of the proposed development are drystone walls with no visible mortar, including the coping stones. It is understood that the applicant is agreeable to this and this can be secured as a condition on any approval.

53. Officers consider that the porches referred to be Historic England are not likely to be viewed as typical domestic porches due to their wide nature relative to their depth. Instead, it is considered that these structures are viewed as the typical catslide additions to buildings that are seen around the conservation area.

54. The proposed dwellings would be broadly reflective of the character and appearance of the existing dwellings at Hornblower Court which in turn reflect the wider conservation area, with the use of natural stone for the exterior walls, artificial stone slates, and stone boundary walls. The details of hardsurfacing could be controlled through a planning condition.

55. Although the site falls within the wider setting of the Rose and Crown, it is considered that the development of this site would appear to be more related to the Hornblower Court development and would not have an adverse impact on the listed building or its setting.

56. For the above reasons, the development is considered to preserve the character and appearance of the conservation area. It would not result in harm to the setting of the Grade II listed building and would therefore comply with policies L1 and SP4 of the Local Plan.

Landscape Impact

57. The proposed development would extend into the open countryside for the purposes of planning policy however the development of this site as an exceptions site would not have a significant impact on landscape character of the area as it would work with the natural boundaries of the site and would be well-related to the existing development site at Hornnblower Court. The site would not be prominent in the wider landscape or from nearby roads due to the screening provided by the existing topography and built form.

58. The application proposes tree planting on the edge of the site and the provision of a native species hedgerow which would form the rear boundary of the gardens of the site.

Residential amenity

59. The proposed dwellings would face away from the rear windows of the closest dwellings on Holmbrae Crescent and Addlebrough Barn and therefore the proposal would not significantly impact on the privacy of the occupiers of these dwellings. These dwellings would face towards the blank gable of Plot 1 and 3 which are considered to be at sufficient distance (a minimum of 25m in the case of no.8 Holmbrae Crescent, the closest dwelling) so as to avoid any overbearing impact. The pair of semis at plot 1 and 2 are orientated such that the windows in the front elevations would not face directly towards the rear windows in the existing pair of semis Rook Hill and Fernlea Cottage and Addleborough Barn. The windows of the pair of semis at plot 1 and 2 would be angled so that they would not face directly towards the rear windows of Yore House, the rear elevation of which is bounded in part, by a relatively high leylandii hedge. As this dwelling would be located at least 40m from the front elevations of the proposed dwellings, it is considered that the proposal would not result in unacceptable levels of overlooking of the windows in the rear elevation of this property.

60. The proposed dwellings would be well related to the existing development at Hornblower Court and would not result in unacceptable levels of overlooking.

Highway safety

61. The proposal would use an existing access to the public house car park that also serves vehicles exiting the Hornblower Court development. The Highway Authority objected to the application due to the sub-standard visibility from the junction of the access with the highway. Given the 30mph speed restriction at the site, a visibility splay of 2m x 45m would be the standard requirement. The applicant therefore commissioned a speed survey due to the comparatively lower speeds in this location. However, whilst this reduced the requirement to 2m x 39m, the visibility at the site is only 30m to the north and therefore the Highway Authority has maintained its objection.

62. Notwithstanding the concerns of the Highway Authority, this is an existing access that already serves the 20+ parking spaces at the pub and the existing 9 dwellings at Hormblower Court. As such, the addition of a further 5 dwellings would not represent a significant intensification of the access and therefore it is considered that the proposal would not lead to a harmful impact on highway safety.

63. In order to provide the access road, the proposal would result in the loss of some car parking spaces. Despite this, the application demonstrates that 23 car parking spaces can still be accommodated at the site to serve the pub which is considered to be adequate for its size. In response to some of the objections that have been received it is the responsibility of the operators of the public house to ensure that the car park is only used by customers. No provision in this application can prevent local residents from using the car park. The loss of the informal spaces to create the access road would to some extent be offset by the formalisation of the parking spaces ensuring efficient use of the remaining space.

Effect on the public house

64. Some letters of objection have raised concerns that the proposed loss of parking and subsequent further loss through residents parking in the spaces allocated to customers in the

car park would result in the eventual failure of the public house. Reference is made to policy C9 which seeks to protect community assets. As is argued above, the provision of 23 spaces is considered to be adequate for a public house of this scale and the proposal would not adversely affect the operation of the public house. As such there is no conflict with policy C9.

Ecology

65. Policy W2 of the Yorkshire Dales Local Plan (2015-2030) requires development of this type and scale to provide a biodiversity enhancement equivocal to multiple nesting boxes or bat roosts, boundary and landscaping enhancements. The application proposes biodiversity enhancement measures in the form of bird nesting boxes and owl boxes which would be installed in the trees at the site.

66. It is recommended that further details of the location and number of boxes are provided in the form of a planning condition.

Flooding

67. Some of the neighbour objections and the Parish Council have raised the issue of flooding as a concern.

68. Policy SP1 defines sustainable development as development that avoids areas at risk of flooding and is responsive to the impacts of climate change. Policy CC2 seeks to steer development away from areas at risk of flooding and identifies these areas in the flood risk vulnerability matrix in Table 8 of the Local Plan.

69. It is understood that the site has experienced recent flooding with standing water on the site after periods of heavy rainfall. Neighbours have raised concerns that the development of this site would lead to even greater run off than exists at present leading to greater risk to neighbouring properties.

70. The site is not in flood zone 2 or 3 and falls within flood zone 1 (1 in 100 years), the flood zone least at risk from fluvial flooding. The Environment Agency flood maps identify the site as being at a low risk of surface water flooding.

71. The application is supported by a Flood Risk Assessment (FRA) and drainage philosophy which seeks to address the issues of surface water flooding raised by neighbours. The Holmbrae 2016 group have submitted their own assessment of flood risk carried out by Weetwood. The submitted FRA considers that the site has a low risk of fluvial flooding and a low/medium surface water flood risk. The Weetwood report considers the site to have a high surface water risk.

72. Where a development is proposed in an area at risk of flooding, Table 8 requires that a) there are no sequentially preferable sites available with a lower risk of flooding (the sequential test); b) the flood risks have been assessed and managed and so the development will not be at risk nor will there be an increased risk elsewhere; and/or c) the development provides wider sustainability benefits to the community that outweigh flood risk (the exceptions test).

73. The application has been supported by a sequential test which adequately demonstrates that there are no other sequentially preferable sites within Bainbridge with a lower probability of flooding thus meeting the requirement of CC2 a).

74. Table 8 advises that an exceptions test is only required where a site-specific flood risk assessment demonstrates that ground or surface water risks are considered to have the potential to affect vulnerable parts of the proposed development.

75. The application incorporates various measures to mitigate any risks to the development proposed, these include raising of the floor levels of the dwellings, siting of the dwellings in the higher part of the site, the regrading and provision of a new linear drain to the adjacent car park (which at present is graded towards the site) and an 85 m^3 flood attenuation tank which would reduce the flow rate from the development to the existing stone culvert, storing water in extreme flood events (1 in 100 years) allowing for a 40% increase due to climate change. It is considered that these measures would address the existing surface water flooding on the site and taking into account the comments of the Lead Local Flood Authority, who raise no objections to the proposal, it is considered that the proposed development would be at a low risk of flooding.

76. Policy CC2 also requires that new development incorporates measures to attenuate surface water run-off and that the site is drained in accordance with a drainage hierarchy contained within the NPPF. The continuation of natural discharge processes is the most preferable form of drainage and discharge to a combined sewer the least preferable. Developments on greenfield sites are required to demonstrate that they will result in no net increase in surface water run-off whilst brownfield sites should demonstrate at least a 30% reduction in run-off.

77. This site is predominantly greenfield although it does include a section of car park which would provide the access to the road. The car park which currently drains onto the field would be regraded as part of the proposal and include a new drain. The FRA shows that site would result in a 63% reduction in surface run-off across the site as a whole including the car park area.

78. Based on evidence from photographs, the water depth of the ponding of surface water in the greenfield part of the site has been estimated at 300mm. Whilst the Weetwood report estimates this as up to 750mm, the LLFA has advised that 300mm appears to be a reasonable estimate and correlates with the extent of flooding on site. The existing overland flow routes referred to in the FRA are proposed to be retained and managed as part of the development. This would involve manipulating the site levels through the creation of a new swale and depression along the eastern boundary with a retaining wall along the edge of the footpath and highway. This would be in order to allow the existing overland flow routes to be retained and avoid their interruption by the new development. This would work alongside the proposed car park drain.

79. The existing and proposed drawings demonstrate that the volume of surface water capable of being stored on the field to the same 300mm depth as existing will have a post development increase by 2m^3 to 76m^3. This would be due to the manipulation of the site levels referred to

above allowing this area to accommodate the additional displacement of water from the site. As a result of the increase in storage, this would marginally reduce the displacement from the site towards the neighbouring dwellings. The LLFA is satisfied that proposal will not result in a greater displacement of surface water towards the neighbouring properties greater than exists at present. Contrary to the assertions in the Weetwood report, and as advised by the LLFA, the developer is not required to remedy an existing surface water problem on a greenfield site such as this.

80. The submitted FRA concludes that the overall risk to the proposed development from flooding would be low. It also advises that the proposal would not increase the flood risk elsewhere off the site due to the proposed surface water run-off rate being less than the existing and the existing impermeable areas within being the subject of a drainage scheme which will allow extreme rainfall event flow routes to pass through the site.

81. The Weetwood report states that the existing stone culvert should be modelled as well as the proposed drainage, however this is not a requirement of the policy which is based around the principle of not increasing flood risk at the site or elsewhere. The application demonstrates that the flow rate from the drainage of the site into the culvert will be significantly less than existing and nonetheless, discharging to the culvert is required in order to meet the drainage hierarchy outlined in policy CC2 and the NPPF.

82. The drainage of surface water to the existing stone culvert and use of the flood attenuation tank would comply with the drainage hierarchy within Policy CC2 and the NPPF. As such the proposal would not increase flood risk at the site and would not increase flood risk elsewhere. The proposal would therefore accord with the requirements of CC2 b) and an exceptions test is not required as the site-specific FRA advises that the risks to the vulnerable parts of the development are low. The proposed development would not increase the displacement of water from the site to neighbouring properties. The proposal would therefore represent sustainable development in accordance with policy SP1 h) and would therefore comply with policies SP1 and CC2 of the Yorkshire Dales Local Plan (2015-2030).

83. The Weetwood report has raised concerns over the details of the foul water strategy; however this would be agreed with Yorkshire Water outside of the planning process.

CONCLUSION

84. The proposal would involve the development of a suitably located rural exceptions site for 100% affordable housing. The proposal would provide shared ownership intermediate, with flexibility to allow affordable rented, all of which would be available for those in housing need meeting the local connection criteria. The proposal is considered to meet a local need for 5 intermediate affordable dwellings that would otherwise be unmet thus allowing access to the housing market for those cannot who cannot afford to purchase market housing. The proposal would comply with policy C2 of the Yorkshire Dales Local Plan (2015-2030).

85. The proposed dwellings would be reflective of the character and appearance of the Bainbridge Conservation Area and would not be detrimental to the setting of the Grade II Listed Rose and

Crown public house. The proposal would have an acceptable landscape impact and would not have a significantly harmful impact on residential amenity.

86. The proposal would not result in a significant intensification of the existing well-used access and whilst this is below highway standards for visibility it is considered that the proposal would not have a harmful impact on highway safety.

87. The proposal would not increase flood risk at the site or elsewhere. It would not displace additional surface water toward neighbouring dwellings.

88. Subject to the issue of flood risk being addressed it is considered that the proposal is acceptable and would accord with policies SP1, SP3, C2, SP4, L1, and W2 of the Yorkshire Dales Local Plan (2015-2030).

RECOMMENDATION

89. That planning permission is GRANTED subject to a s.106 legal agreement to cover the following matters:

    1. affordable housing based on shared ownership allowing reversion to affordable rent in the case of lack of demand;
    2. local connection criteria;
    3. the affordable housing would be made available on a 'cascade' basis – to the Bainbridge parish first, then to adjoining parishes within the National Park (including split parishes), to the entire National Park, and finally the whole District Housing Authority area;

    and conditions based on the following;

    1. standard time limit
    2. in accordance with approved plans
    3. approval of materials and details (external walls, roofing slates, windows, doors, lintels and cills, rainwater goods, chimneys)
    4. landscaping including surfacing - access, parking, paths and patios
    5. specific details of biodiversity enhancement measures
    6. boundary treatments
    7. external lighting to be approved
    8. bin storage areas provided
    9. withdraw permitted development rights
    10. surface water management
    11. construction times
    12. tree protection
    13. archaeology