

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	Parish:	Austwick CP
Date:	18 April 2023	Officer:	Katherine Wood
Applicant:	Venturi Homes	Application No:	C/04/148M
Site Address:	Land off Pant Lane, Austwick, North Yorkshire, LA2 8BH		
Proposal:	Full planning permission for erection of 8 No. dwellings and creation of new vehicular access to site		



REASON FOR COMMITTEE CONSIDERATION

1. To seek a new resolution from Members on this application.

APPLICATION SITE

2. The site is a relatively level undeveloped field, enclosed by dry-stone walls, on the edge of Austwick village. There are two mature Horse Chestnut trees within the field which are protected by Tree Preservation Orders. The site is accessed off Pant Lane, a narrow highway serving 20+ other houses including the recently constructed Pant Head Gardens adjacent and 1-5 Pant Lane opposite. Within the north-eastern corner of the site is a service compound serving several new properties and there is an electricity line with an easement along the western boundary.

PROPOSAL

3. This application seeks full planning permission for the erection of eight dwellings. The original proposal was for 8 open market houses, split into two blocks of four in a linear terrace layout. The proposal as submitted would have included a commuted sum in lieu of the delivery of on-site affordable houses. The proposal remains for 8 houses however, they have been amended to include 2 affordable dwellings (shared ownership), 3 open market dwellings and 3 principal residency dwellings, rather than a commuted sum. The houses would be split into 2 sets of semi-detached houses and a row of 4 terrace houses.
4. Where a proposal includes the on-site provision of affordable housing the Authority will usually require the affordable element to be delivered through a partnership between the developer and a Registered Provider (RP), such as a local housing association. The RP would normally be identified prior to the determination of the application and be party to the Section 106 agreement to secure the affordable housing in perpetuity. Shared ownership housing is a form of affordable housing designed for people who cannot afford to buy a house on the open market but still want to get on the property ladder. An initial share is bought (usually 25% to 75%) and rent is paid on the remaining part. The remaining share in the dwelling is owned by the RP. It is understood that the applicant is currently in discussion with a local housing association to bring forward the 2 shared ownership units.
5. Principal residency dwellings are dwellings restricted by a principal residency condition which requires the owner to occupy the premises as their principal home. It is estimated that the occupancy restriction reduces the open market value by up to 5% as has been evidenced by experience in other, similar, areas in England.

RELEVANT PLANNING HISTORY

6. C/04/148C - full planning permission for installation of 2 no underground 2000 litre LPG tanks to supply Pant Head House, Pant Head Barn and the new housing development opposite on Pant Head Lane – permission granted on the 17th September 2007.

C/04/148L - full planning permission for erection of 8 no. dwellings – withdrawn on the 25th July 2018.

CONSULTATIONS AND PUBLIC RESPONSES

7. Reconsultation has been undertaken with neighbours, the Parish Council and relevant consultees, to give an opportunity to comment on the proposed amendments to the housing mix, the site layout and design. The consultation period expires the week before the Committee meeting and Members will be updated on any comments received prior to the meeting.

BACKGROUND

8. At the meeting of the Planning Committee held on the 9th June 2020, Members resolved that full planning permission be granted for 8 open market houses subject to a section 106 agreement to secure an affordable housing financial contribution, in accordance with Appendix 6 of the Local Plan, and conditions as listed in the officer's report. This previous report and an extract of the relevant minutes are attached as appendix 1.
9. Since the Committee meeting the section 106 agreement has not been concluded as the applicant has indicated that the proposal would not be viable with the required commuted sum.
10. The application has now been taken over by a new applicant, Venturi Homes, who has submitted an alternative mix of houses for the site to include on-site provision of 2 affordable houses and 3 principal occupancy dwellings rather than a commuted sum, in order to improve the viability of the scheme. They have also amended the layout and some minor design details. It is these two aspects of the planning application that Members are asked to reconsider.

ASSESSMENT

Key Issues:

- Planning policy
- Design and layout changes
- Parish Council comments
- Equality Act

PLANNING POLICY

11. The site is allocated in the Local Plan for new housing development, with a notional capacity for 8 houses. Policy C1 states that on sites of between 6 and 10 dwellings, a commuted sum would be required in lieu of the delivery of on-site affordable housing. The commuted sum would be in the form of a financial contribution in lieu of on-site delivery of 50% affordable housing. This contribution would be paid to the Authority at the point of completion of each dwelling and will be used to support affordable housing elsewhere in the Craven District part of the National Park. Since the application was presented to the Planning Committee, the National Planning Policy Framework has been amended to state that 'where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities' (para.63). In this case, whilst adopted Local Plan policy states it should be commuted sum, it is recognised that on site affordable houses are much more desirable as they will benefit the community most affected by the development.
12. Policy C1 of the Local Plan states that 'If it is demonstrated that the site cannot deliver the mix of housing required, then the Authority will consider an alternative mix of housing on the basis of an independent site viability study.' Since the Committee resolution to approve the application for 8 open market houses with a commuted sum, the applicant has indicated that the required commuted sum would result in a significant negative land value. The applicant has therefore submitted the proposal for 2 affordable dwellings which would equate to 25% of the proposed development. A further 3 dwellings would be subject to a principal residency restriction. The applicant has supported the proposed amendment with a viability appraisal which concludes that the 8 open market dwellings would result in negative land value and would not be viable with a commuted sum. This is in part due to high inflation, resulting in higher build costs, and the abnormal costs at the site (undergrounding the overhead line). The viability appraisal also concludes that the development

would not be viable with the proposed mix of 2 shared ownership dwellings and 3 principal residency dwellings. However, they are seeking to develop the site despite the potentially marginal profit.

13. Whilst the applicant's viability appraisal is not independent, it also draws on evidence contained within the Authority's Economic Viability Assessment (April 2022) prepared by Three Dragons and Rural Housing Support. This report is now the Authority's strategic housing viability evidence for the National Park and, as well as informing the emerging local plan, it also brings our evidence up to date in support of application decision making. This report concludes that Austwick falls within a lower value area where the affordable housing contribution on sites of 6-9 dwellings is likely to be viable at 20-30% rather than 50%. Whilst weight cannot be given yet to emerging plan policy the viability evidence underpinning it is a material consideration which supports the case made by the applicants at this site. It is therefore considered that there is sufficient evidence to demonstrate that the scheme is not viable on the basis of the commuted sum in lieu of 50% on site affordable.
14. The question is therefore whether the proposal as amended would bring forward sufficient benefits to the local community. The original proposal for 8 open market houses would have brought a commuted sum to contribute towards an alternative affordable housing scheme elsewhere in the National Park. However, this is unlikely to have a direct benefit to the immediate community of Austwick. The commuted sum, calculated in accordance with the current Local Plan, would also not necessarily cover the costs of developing 4 affordable houses elsewhere. The proposed amendment, however, would directly benefit the local community by providing 2 shared ownership affordable dwellings within the village, subject to a local connection clause which would prioritise those within Austwick Parish. The 3 principal occupancy dwellings would also provide permanently occupied 2 and 3 bed dwellings in the village, ensuring they cannot be second homes or holiday lets.
15. It is therefore considered that the proposal would comply with the Authority's housing strategy aimed at delivering affordable housing on an appropriate site at a level that reflects what is viable and a mix that is informed by up to date evidence.

DESIGN AND LAYOUT CHANGES

16. The originally agreed design was for two blocks of 4 terrace properties. The proposal has been amended to three blocks; 2 sets of semi-detached dwellings and a central terrace of 4 dwellings. This requires the repositioning the dwellings slightly nearer to the side boundaries of the site. Furthermore, since the previous layout was considered by Members, a neighbouring property (Well Springs Cottage) has been extended slightly so that a garage now forms part of their living accommodation. However, it is considered that there is sufficient space to reposition the dwellings without impacting significantly on the amenity of neighbouring residents.
17. It is also considered that breaking the blocks up further in this manner, with a slight stagger between the blocks, will reduce the formality of the row of buildings which would better reflect the rural character of the lane. The layout still includes sufficient space for the retention of the large Chestnut tree to the front and additional tree planting. The amendment will also enable the proposed parking to be more spread out throughout the development rather than being clustered together at the north-east of the site.
18. There are minor changes to the fenestration including wider rear patio doors and lean-to porches. The patio doors will not be readily viable from public views.
19. Officers have recommended that renewable technologies be incorporated within the buildings. The applicant has confirmed that they are keen to install renewable technologies but are currently investigating what the

most efficient systems would be and what Building Regulations would require and so are unable to confirm the final design at this time.

PARISH COUNCIL COMMENTS

20. Austwick Parish Council has been reconsulted on the proposed amendments and any comments received will be reported back to Members at the Planning Committee meeting.
21. Members are also reminded of the Parish Council's original objection in 2020 to the proposal for 8 open market houses with a commuted sum. The Parish Council stated they 'believe strongly that this new housing development in the form now proposed, with a financial contribution to the National Park 'in lieu', would be a unique opportunity missed to bring affordable or local occupancy housing to our community.'

EQUALITY ACT

22. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.
23. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

CONCLUSION

24. It is considered that the applicant has provided sufficient site-specific evidence to demonstrate that the site is unviable to develop in line with the policy requirement of providing a commuted sum in lieu of 50% on site affordable units. This evidence is also supported by the Authority's up to date viability evidence for the National Park. It is also considered that the provision of 2 affordable dwellings and 3 principal residency dwellings would directly benefit the community of Austwick. As such it is considered that the proposal as amended would still meet the aims of policy C1 of the Local Plan.
25. It is considered that the proposed amendments to the site layout will not significantly differ from the original scheme, although breaking the buildings into three blocks with a slight stagger would result in a less formal pattern more suited to the rural village setting of Austwick. It is therefore considered the amended design and layout would accord with policy SP4 of the Local Plan.

RECOMMENDATION

26. Members are requested to grant planning permission subject to an amended section 106 agreement to cover the affordable housing provision (2 dwellings), secured by the involvement of a Registered Provider. The affordable housing would be made available on a 'cascade' basis [to the Austwick parish first, then to adjoining parishes within the National Park (including split parishes), to the entire National Park, and finally the whole of the local Housing Authority area;

AND the following conditions

- time limit;
- approval of design details (including materials, doors and windows etc.);
- hard and soft landscaping (including tree protection, boundary walls and other means of enclosure, surfacing, planting, biodiversity enhancement);

- tree protection measures;
- highway access and parking conditions;
- approval and implementation of drainage and surface water details;
- provision of bin storage areas including waste/recycling storage;
- control over external lighting;
- construction time condition;
- removal of permitted development rights; and
- Principal residency condition to the three identified dwellings.