

## Appendix A

### Information received from Janet Waggott, CEO at RDC pertaining to Planning Application 13/01314/MOUT by Gladman Developments Ltd

- i) What is the current position with regard to the five year land supply in Ryedale?

**Ryedale currently has 5.84 years housing supply. This is based on the most recent review of housing information November 2013 and includes the previous Gladman's consent in Kirkbymoorside. If the Gladman site is not included, it would be 4.79 years supply.**

What figures are used to calculate the amount of land required for building for the period of five years?

**There is no national formula for calculating housing supply. Local Authorities have discretion on how they calculate it as long as it is in line with national planning policy set out in the National Planning Policy Framework (NPPF). Paragraph 47 of the NPPF sets out that local planning authorities should "identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements". To be considered "deliverable" footnote 11 of the NPPF explains that "sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable."**

**Ryedale calculates its housing supply in a straightforward manner. This is set out in para 4.25 of the LPS where it says that the "Local Planning Authority will base its requirement to maintain a 5 year supply of deliverable housing land as a simple calculation of 5 x 200 homes per annum." It is also important to note that the Council has a recently adopted plan in place which is the measure of the under or over provision of housing against the housing requirement (200) over the plan period (2012-2027). We have delivered the housing requirement to date and therefore there is no under or over provision to factor into the calculation. Therefore the 5 year requirement is 1000 housing plots based on 5 x 200 homes per annum.**

**As set out in the previous information and to meet the NPPF definition of deliverable, Ryedale's assessment of housing supply is made up sites with planning permission, remaining housing allocations and sites that the Council is minded to approve subject to the completion of s106 legal agreement or other similar matter.**

**A 10% non-implementation discount is then applied to that figure in recognition that not all planning permissions are implemented. The 10% figure is based on past non-implementation of permissions in Ryedale. This ensures that the five year supply permission is robust and meets the 'deliverable' definition in the NPPF. The Council's Strategic Housing Land Availability Assessment (Part 1, 2013) sets out this methodology in greater detail.**

**The latest update was undertaken in November 2013. The 'workings out' of the housing supply position are:**

**The raw housing supply (with consent) is 1156 housing plots or 5.78 years (NB This includes the Gladman consent at Kirkbymoorside)**

**The number of units minded to approve subject to completion of legal agreements is 141 housing plots or 0.71 years**

**THEREFORE TOTAL 'RAW' SUPPLY (COMMITMENTS AND S106) = 1297 HOUSING PLOTS OR 6.49 YEARS**

**Taking 10% off for non-implementation, this equates to:**

**5 YR DELIVERABLE HOUSING SUPPLY = 1167 plots or 5.84 years supply**

**From this, Ryedale does have a 5 year housing supply of 5.84 years if the previous Gladman's consent in Kirkbymoorside is included. If the Gladman's site is not included, this would leave 4.79 years supply.**

ii) How is the five year land supply figure calculated?

**It is made up sites with planning permission, remaining housing allocations and sites that the Council is minded to approve subject to the completion of s106 legal agreement. A 10% non-implementation discount is then applied to that figure in recognition that not all planning permissions are implemented. The 10% figure is based on past non-implementation of permissions in Ryedale. This ensures that the five year supply permission is robust and is 'deliverable'. The Council's Strategic Housing Land Availability Assessment (Part 1, 2013) sets out this methodology in greater detail.**

iii) What factors would RDC planning officers and the Planning Committee expect to be included in an application for a sustainable housing development?

**There are a range of factors involved in the consideration of the application.**

**A large application may be accompanied with a transportation assessment, ecological survey (if required), archaeological information, a viability study with regard to the scheme were affordable housing not proposed to be provided on site, the heads of terms were the applicant in a position to present a 'draft' Section 106 Agreement.**

**For example a sustainable housing development could vary significantly in terms of its scale and location. A larger scheme will be likely to give rise to more issues than a single plot for example. Also the site constraints for a particular proposal might give rise to issues that are not found on another site- i.e. flood risk, archaeology, pipelines etc...**

**In the context of the Gladman's scheme aside from the submitted forms and plans we have received numerous detailed reports and assessments by the applicant to address the issues that need to be covered. These are:**

**Planning Support Statement**

**Design and Access Statement**

**Transport Assessment**

**Travel Plan**

**Ecological statement**

**Tree Survey**

**Landscape and Visual Assessment**

**Desk top study (contaminated land)**

**Flood Risk assessment**

**Noise assessment**

**Archaeological Assessment**

**Utilities Appraisal and Infrastructure report**

**Land Supply Assessment**

**Housing Numbers in Ryedale report**

**Affordable Housing Statement**

**S106 Heads of Terms**

iv) Can you confirm that planning officers have asked Gladman to provide details of:

a) Archaeology issues;

**Yes, the information has been provided by the applicant. The County Council Archaeologist has assessed the application and raises no objection to the application based on the information provided, subject to the imposition of condition(s) on the decision notice if the application is approved.**

b) affordable housing provision;

**In accordance with Policy SP3 of the Local Plan Strategy a provision of 35% on-site provision is required. In terms of 'raw' numbers the development of the site for 225 dwellings generates outcome for 78.75 affordable homes.**

**The Council's Housing Officer has formally responded.**

**If the application is approved, the provision will be secured through a Section 106 Legal Agreement.**

c) open space provision;

**The illustrative layout information accompanying the application indicates areas of open space. A formal assessment of the requirement for the site is currently being undertaken by the Council's Asset Manager. The formal requirement will either be secured through an appropriately worded condition or a requirement within a Section 106 Legal Agreement if the application is approved.**

d) a draft S106 agreement setting out payment that will be made for maintenance of open space and contribution to education facilities;

**The detailed wording of the Section 106 Legal Agreement has not been prepared at this stage.**

e) siting of dwellings;

**An indicative plan has been submitted with the application as a guideline to the location of the dwellings. As this application is in outline form, the siting of the dwellings will be considered as part of a subsequent reserved matters application, if this outline application is approved.**

f) highway, access and cycle track details;

**The details will accompany the reserved matter application if the current outline application is approved.**

g) and a breakdown of number and type of housing?

**The breakdown of the house types, its mix, sizes and external details will be considered separately and be subject to a further detailed application if the current outline application is approved. The submitted Design and Access Statement has indicated that the dwellings will**

range from larger detached 4/5 bed houses with deeper rear gardens to linked smaller starter homes 2 bedrooms. It is expected that the densities will vary across the site with higher densities being achieved in the core of the layout, and the lower density development being appropriate at the development edge.

- v) Have Gladman submitted an access plan that meets the requirements of NYCC Highways Department?

**The access plan has been submitted to NYCC Highway Department. NYCC have formally responded to the application and have advised conditions and a number of financial contributions which would have to be secured through a Section 106 Legal Agreement if the application was approved. The Council therefore considers that the applicant has submitted details which are acceptable to NYCC Highways, subject to conditions.**

- vi) What will be the main factor in the recommendation to members - the past planning history or the local plan?

**It is a matter of law that planning applications are required to be determined in accordance with the development plan (the Local Plan Strategy in this case) unless material considerations indicate otherwise. With major planning applications there are a range of material considerations to take into account. The previous planning history of this site is a material consideration and the NPPF is also a significant material consideration. However each application is treated on its own merits within the framework set out at the beginning of this question.**

- vii) What is the officer recommendation going to be?

**This information is not available yet. Officers are currently producing the report and this will be available 5 working days prior to the Planning Committee meeting. Monday 27 January 2014.**

- viii) Will there be an extraordinary meeting and can it be in KMS or failing this at Ryedale School?

**A special meeting of Planning Committee will be held on the 4<sup>th</sup> February 2014 Lady Lumley's School has been provisionally booked and this was announced at the planning Committee on 14 January. If we can get a venue in Kirkbymoorside we will hold the meeting there.**

- ix) Will the timescale for considering this application be met or is the Council again going to risk a non-determination resulting in an Appeal?

**Yes. The 13 week determination target date is 14 February 2014. The Planning Committee will determine this application on 4 Feb**

- x) What is the position with the Judicial Review in light of the request by Gladmans for the current application (13/01314/MOUT) to be heard before the Judicial Review is held?

**The proceedings have been 'stayed' (postponed) until 28 February 2014 pending the determination of the planning application. This has been agreed by all parties to the Judicial Review.**

**The claimant will need to inform the Leeds High Court by 7 March 2014 if they wish to proceed with the claim. That is a decision for the claimants.**

- xi) On what grounds are Gladman challenging the adoption of the Local Plan? Will this impact on the current application?

**Gladman Developments Limited are challenging the District Council's adoption of the Local Plan on the following four grounds:**

- (i) The Council has misunderstood and misapplied national policy in paragraph 47 of the NPPF (National Planning Policy Framework) in assessing housing need ;**
- (ii) The Council has misunderstood and misapplied national policy in paragraph 47 of the NPPF (National Planning Policy Framework) by failing to adopt a housing need figure that meets the fully assessed housing needs of the District;**
- (iii) The Housing Chapter of the Local Plan is unsound because the evidence relied upon to set the housing figure for the District was insufficient to rationally justify the adoption of that figure;**
- (iv) The Council has misunderstood and misapplied the Inspectors intentions in his report following the Examination in Public in relation to calculating the housing figure for the District.**

**The Local Plan has full weight in decision making unless and until the High Court makes a decision otherwise. Gladman's are seeking to quash the Housing Chapter of the Local Plan which the Council is vigorously defending. The High Court will consider the case on 11 April 2014 which is after the committee date when this application will be considered for this application. Clearly only if the High Court challenge is successful will the housing chapter of the Local Plan Strategy be quashed and have no weight in planning decisions.**

- xii) The current application states that there was an initial public consultation. Should not the comments received then be part of the documentation for the current application?

**Whilst initial consultation by applicants prior to the submission of their application, there is no formal requirement for the individual comments to that consultation information to be submitted with the application.**

- xiii) Can the planning committee make a valid decision on an application wherein the information is inaccurate and has been based on the same survey which contains errors such as the omission of the Northern Ryedale Children's Centre, the absence of trees to the south of the lay by and the preschool nursery building is shown in the wrong place?

**Further clarification has been sought from the applicants in regard to the above matter.**

- xiv) Will the planning committee be provided with an accurately measured drawing of the proposed access arrangements detailing how Highways requirements for road and footpath widths and District Council requirements for retention of recycling facilities will be accommodated?

**The information submitted with the application has been assessed by the County Council Highway Officer and they have not raised any objection to its accuracy. The Highway officer has advised, within his formal response, that the access arrangements can be satisfactorily realigned and the recycling facilities retained.**

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Please note that in accordance with instructions received prior to the meeting on 20 January Ms Waggott was unable to:

- i) Comment on the merits of the Gladman planning application;
- ii) Give a planning opinion on the Gladman planning application;
- iii) Give a legal opinion on the Gladman planning application or the Judicial Review;
- iv) Comment on any allegations made against Members or Officers;
- v) Comment on any legal matter which could possibly jeopardise a process.