

Parish: Seamer
Ward: Hutton Rudby
18

Committee date: 28 June 2018
Officer dealing: Mr K Ayrtton
Target date: 2 July 2018

17/02612/FUL

**Construction of one detached dwellinghouse
At Stokesley Used Car Sales, Tame Bridge
For Mr Da Silva**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan.

Consideration of the application was deferred at the meeting of 31 May 2018 for additional information to be provided in respect of (i) neighbouring uses and the potential impact of those uses; (ii) surface and foul water disposal; and (iii) land contamination and remediation, and also for further assessment of the size and design of the dwelling.

- 1.1 The applicant has provided a written response to the concerns raised at the last meeting.

Neighbouring uses

- 1.2 The site to the immediate north of the application site is a light industrial warehouse. It is understood the first floor window which looks onto the application site serves a first floor storage area. The building is no longer in day-to-day use, and the applicant does not envisage any issues of loss of privacy or overlooking. Even if the building is brought back into use the degree of potential overlooking is considered to be minimal and not sufficiently harmful to warrant a recommendation for refusal. The land to the immediate west of the site is associated with this now ceased commercial use. No commercial activities are currently undertaken on a day to day basis. The agent has advised that given the duration of the current storage use (more than 10years) that the lawful use of the site is now considered to be as a storage warehouse.
- 1.3 The site further to the rear (north) falls within the ownership of the applicant and is the subject of a pending outline application for a residential redevelopment. The current application for a single dwelling is considered under the Interim Policy Guidance. The larger site to the rear is not considered to benefit under the guidance due to its size and relationship to the development form. In the case of the larger site an argument is being put forward around the opportunity to achieve a significant environmental benefit.

Surface and foul water disposal

- 1.4 The office building (now demolished) was served by a dedicated septic tank to the front of the building. The applicant has confirmed that this will be retained for use in connection with the new house and that it has more than adequate capacity to serve the new dwelling. It is considered that foul water flows can be adequately provided for. A specific condition is recommended requiring the submission of a report on the condition and suitability of the septic tank solution.
- 1.5 Currently, surface water from the buildings on site is directed to a surface water drain at the front of the site. The remainder of the site is covered by permeable gravel allowing rain water to soak away. This arrangement has not given rise to any problems in the past and Northumbrian Water had no comment to make within their consultation response.

1.6 Under the current proposals, rain water from the proposed house will be directed to the surface water sewer and the existing permeable area within the site would be largely retained in the form of domestic garden and permeable driveway allowing rain water to soak away as at present. The proposed dwelling is not considered to result in an increased risk in surface water flooding in the vicinity of the site.

1.7 A condition is recommended covering these matters.

Contamination

1.8 The submitted remediation statement outlines the proposed strategy. In brief this includes:

- Excavation and removal to a depth of 0.6m and off-site disposal / or re-use under hard standing; and
- Importation of 600mm of clean material (300mm top soil / 300mm subsoil placed over a geo-membrane

1.9 Further discussions have taken place with the Environmental Health Officer who has re-examined the submissions and is satisfied that the proposed condition covering the matter of contaminated land, is the appropriate course of action in this instance.

Design

1.10 No amendments to the design of the scheme have been made following Planning Committee. However, the applicant has submitted a further supporting statement.

1.11 The applicant notes that Tame Bridge is characterised by a mix of mid/late 20th century development, comprising a broad range of detached one and two storey dwellings, fronting onto the road and built in a wide variety of domestic architectural styles. The applicant also notes that various amendments to the scheme were made in the course of the application to address concerns with respect to the initial design. This included:

- Re-orientating the property by 90 degrees to the front on to the road (thereby reflecting the established form of development in this part of Tame Bridge);
- Stepping the property back beyond the frontage of the existing office building thereby ensuring it remains in line with the building-line of adjacent dwellings to the east (Lipperbruch and Broomstick Cottage); and
- The removal of other architectural features and various other revisions.

1.12 The applicant notes that the gross internal area of the house is approximately 242sq.m, while its footprint measures at approximately 149.5sqm. The site area measures 660sq.m, meaning the house itself will occupy 23% of the plot with the remaining 77% given over to garden, driveway etc. The applicant goes on to say that the only way in which the application site differs from most other plots in Tame Bridge is that it is shallower than most, but this is more than compensated for by its broader frontage.

1.13 The applicant considers that overall the revised proposals will deliver a detached dwelling of appropriate scale and character/ design in the context of the range of dwellings that comprise Tame Bridge.

2.0 SITE, CONTEXT AND PROPOSAL

2.1 The application site is approximately 0.07 hectares in size, currently accommodating a vacant car sales office. The office is accommodated in a simple, rectangular single storey structure, with a modest set back from the road frontage and surrounding area

of hardstanding. Located to the rear of the site are derelict industrial buildings. It is understood that these previously accommodated an engineering works and recycling depot, which extend to the land to the north. There is also a scrap/breakers yard to the west.

- 2.2 Located to the east is a line of dwellings, which are characteristic of the predominant linear form and character of Tame Bridge. The majority are single storey, although the nearest property is a larger, two storey detached dwelling. Common to all development within the village is the palette of materials, including brown and red brick and tile, and cream render.
- 2.3 Located to the south, on the opposite side of the road is a belt of trees, with open countryside beyond, with pockets of dispersed development.
- 2.4 Consent (17/00389/JPN) was granted last year to convert the office buildings into residential use. This was with the benefit of class J permitted development rights.
- 2.5 It is now proposed to demolish the office building and replace it with a detached four-bedroom, two-storey dwelling. The dwelling would be sited to the rear of the plot with the main garden area located to the side. It would be sited further forward than the nearest neighbouring property; however a set back from the road frontage is achieved.
- 2.6 The dwelling would be of a traditional form and simple appearance and the existing access would be modified to serve the dwelling, with access to the existing garage building to the rear of the site.
- 2.7 The dwelling as originally proposed included accommodation within the roof space and was of a more ornate appearance. However, concerns were raised that the design failed to pay due regard to the local environment and the scheme has been amended accordingly.

3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 3.1 2/00/128/0016A - Use of land for private hire and taxi business; Granted temporarily for one year, 13 September 2000.
- 3.2 04/02215/FUL - Change of use from garage workshop to car sales area; Granted 24 January 2005.
- 3.3 15/01724/JPN - Prior Notification for the change of use from an office (Class B1a) to dwellinghouse (Class C3); Withdrawn 17 December 2015.
- 3.4 17/00389/JPN - Prior Notification for the change of use of a building from office use (Class B1a) to a dwelling house (Class C3); Approved 13 October 2017.
- 3.5 17/00442/OUT - Outline application with all matters reserved for ten dwellings. Application pending determination. This application is a site immediately adjacent the application site.

4.0 RELEVANT PLANNING POLICIES

- 4.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Policy CP8 – Type, size and tenure of housing

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 – Site Accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

5.0 CONSULTATIONS

- 5.1 Parish Council – No objection.
- 5.2 Highway Authority – No objection subject to conditions.
- 5.3 Environmental Health Officer – Requests that details of refuse storage facilities are approved before the use commences. The applicant's proposals for dealing with contamination are acceptable and include brief proposals for remediation, including site strip of made ground in garden areas, off-site disposal or re-use under hard standing, and importation of clean soils. Appropriate conditions are suggested to secure the recommendations.

Awaiting further comments in response to the agent's more detailed information, describing the neighbouring uses.

- 5.4 Northumbrian Water – No comments to make.
- 5.5 Public comments – Five letters of support received in response to the original plans, making the following comments:
- The design will help uplift the area dramatically;
 - The poly is an eyesore. Something needs to be done to improve the site drastically;
 - The design will complement those found in the area; and
 - Just the type of development Tame Bridge needs.

6.0 OBSERVATIONS

- 6.1 The main issues to consider are (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on residential amenity; and (iv) highway safety.

Principle

- 6.2 Tame Bridge lies beyond Development Limits defined in the Local Development Framework and Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

- 6.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 6.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 6.5 In the Settlement Hierarchy reproduced in the IPG Tame Bridge is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore the IPG states that it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.
- 6.6 Stokesley, which is a Service Centre, is the largest settlement in closest proximity at approximately 0.7km, albeit the majority of services and facilities are located a little further to the east. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines “significant distance” as approximately 2km. Whilst Stokesley is not a Service Village or Secondary Village, its status as a Service Centre indicates that it is more preferable in terms of its provision of services available to Tame Bridge. It is therefore considered that Tame Bridge can be considered to cluster with Stokesley and that criterion 1 of the IPG would be satisfied and the principle of development is acceptable.
- 6.7 IPG criterion 2 requires development to be small scale. One dwelling accords with this requirement.

Character and Appearance

- 6.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form. The existing site has an open character with the existing building being small in scale, reflective of its previous use. There is a predominantly linear built form in the surrounding area. The dwellings to the east and west tend to be set back from the road in rectangular plots with open frontages. The application site is a little different in

its shape. It extends sideways along the frontage and is not as deep as others in the locality.

- 6.9 Policy CP32 requires developments to be of the highest quality and demonstrate that they have taken into account local character and setting, and promote local identity and distinctiveness. This is consistent with the requirements of the NPPF. The proposed dwelling is of a relatively simple appearance and is of a form that is reflective of those found within the vicinity of the site. Whilst the design is not of the highest quality in its own right, it has responded to its context. The more ornate design that was originally proposed would have increased the prominence of the dwelling and emphasised the site's difference with those around it. In contrast, the more modest design proposed will allow the dwelling to sit more comfortably in its surroundings.
- 6.10 The submission includes details of boundary treatments proposed. These will include a low boundary wall around the perimeter of the site with trellis and intermittent piers. The treatment is considered to strike the right balance between offering privacy to the dwelling's amenity space whilst retaining the generally open character.
- 6.11 Overall the proposed design is considered to meet the requirement of policy DP32.

Residential Amenity

- 6.12 The proposed dwelling is sited a generous distance from the nearest neighbouring property. Considering the existing lawful use of the site, it is considered that the proposal will result in a reduced impact on residential amenity.
- 6.13 In respect of the proposed dwelling, several contaminated land reports have been submitted in support of the application. The Council's contaminated land officer has confirmed that subject to the recommendations being implemented, there is no reason to resist the application.

Highway safety

- 6.14 The proposed use would generate less traffic than the existing lawful use and the Highway Authority has raised no objection. It is noted that the approved JPN application, if implemented would result in a similar level of traffic generation to the proposed development.

7.0 RECOMMENDATION

- 7.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 100, 101 and 102 received by Hambleton District Council on 26 March 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have

been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. Prior to development commencing (except for the purposes of demolition), full details of both surface and foul water management and disposal shall be submitted in writing to and approved by the Local Planning Authority. These details shall include a report on the condition and functionality of the septic tank to assess its suitability for use. If unsuitable then full details of the proposed disposal of Foul Water shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The crossing shall be constructed in accordance with the approved details and Standard Detail number E6; and (ii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
7. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing marked Job No. PD/17/108/FDA Drawing No. 102. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
9. No development shall commence until a Remediation Strategy, having regard to current best practice, shall be submitted to and approved in writing by the Local Planning Authority.
10. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary an updated Remediation Strategy shall be submitted to and approved in writing by the Local

Planning Authority before any further development occurs. No further development shall commence until the approved remediation scheme has been implemented.

11. The development shall not be occupied until a contamination Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy CP17.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure that satisfactory foul and surface water management is constructed for the proposed development and to accord with the requirements of Development Policy DP6.
5. In accordance with policy DP3 and in the interests of highway safety.
6. In accordance with policy DP3 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. In accordance with policy DP3 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
8. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
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11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste

1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.