

Parish: Tollerton  
Ward: Easingwold  
9

Committee date: 26<sup>th</sup> July 2018  
Officer dealing: Mrs C Strudwick  
Target date:

16/02013/OUT

**Outline planning application with all matters reserved for a doctors surgery and residential development (20 units) with associated infrastructure and landscaping  
At Land off Forge Lane, Tollerton  
For Mr D Gath & Drs M Potrykus & S Utting**

**Planning Committee resolved that planning permission should be granted subject to a planning obligation to secure affordable housing at its meeting of 25 May 2017. Further instruction is now sought on changes in the content of the obligation that the developer has proposed.**

## 1.0 BACKGROUND

- 1.1 The Planning Committee's resolution of 25 May 2017 was made on the understanding that the scheme would provide a minimum of six affordable units (30%), below the policy target of ten units (50%). Whilst this lower level of provision had been justified by means of a viability assessment, the Committee sought the inclusion of an overage clause in the obligation so that a level of affordable housing closer to the policy target of ten could be achieved if a future viability assessment were to conclude that, due to changes in circumstance, the scheme was capable of delivering more than six affordable units.
- 1.2 A copy of the report considered by the Committee in May 2017 is attached as **Appendix 1**. All matters other than the affordable housing content and the viability issues considered in section 2 below are as previously reported. At **Appendix 2** is a copy of the report also considered by the Committee in May 2017 relating to the re-use of the existing doctors' surgery as a pair of bungalows. The determination of the application for the re-use of the doctors' surgery as two dwellings has been delayed so that the community is not faced with the loss of a doctors' surgery without alternative provision having been approved.
- 1.3 In consideration of the application at **Appendix 1** it was not envisaged that the number of affordable units would be reduced below six units, even in the event that the viability assessment demonstrated that the number should be reduced to achieve the developer profit of 20% that is desired by the applicant. In short there was to be no provision for an "overage clause" within the planning obligation.
- 1.4 The Council and applicants have continued to work towards agreeing the content of the planning obligation; however, during this process it has been argued by one of the applicants that the proposal is less viable than it was in May 2017. The applicant asserts that the overage clause should not be included in the planning obligation as on their calculation the level of viability provides for four affordable dwellings; however they are proposing to maintain the previous offer of six units. The applicants' proposal is to:
  - Remove the requirement for further assessment of viability, and
  - Thereby so remove the need for an overage clause; and
  - Fix the amount of affordable housing at six units.

## **2.0 DECISION REQUIRED**

2.1 Members are requested to decide whether balancing the matters previously considered in the report at **Appendix 1** and:

- (i) On the basis of the applicants' proposal at 1.5 above for six affordable dwellings and not to undertake a further assessment of viability the scheme is acceptable and should be granted planning permission; or
- (ii) Whether the development without the reassessment of viability and overage clause, the scheme fails the requirements of LDF policy CP9 relating to the provision of affordable housing and should be refused.

## **3.0 RECOMMENDATION**

3.1 That subject to any outstanding consultations that permission is **APPROVED** subject to (a) a Planning Obligation relating to the provision of not less than six units of affordable housing without further viability review, provision of land for the doctors' surgery, phasing of development, and provision and subsequent maintenance of public open space; and (b) planning conditions 1 to 19 of Appendix 1 below.

**Parish: Tollerton**  
Ward: Easingwold  
**10**

Committee date: 25 May 2017  
Officer dealing: Caroline Strudwick  
Target date: 31 May 2017

**16/02013/OUT**

**Outline planning application with all matters reserved for a doctors surgery and residential development (20 units) with associated infrastructure and landscaping At Land Off Forge Lane Tollerton North Yorkshire For Mr & Drs D, M & S Gath, Potrykus & Utting**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 This site is located to the west of Tollerton village, outside Development Limits, with the rear of the houses on Forge Lane and Alne Road to its north and north eastern boundary, Tennis Court Lane to the south eastern boundary and open countryside to the west.
- 1.2 The site is a 1.27ha flat undeveloped piece of agricultural land with a pond in the middle. It is well screened with trees and hedge on the boundaries which run from Alne Road to Tennis Court Lane. The boundary of the Tollerton Conservation Area is on the south eastern side of Tennis Court Lane, with the boundary opposite, outside the Conservation Area. There are no listed buildings nearby.
- 1.3 This outline application with all matters reserved has been made by one of the current Tollerton GP Surgery practice partners and the prospective housing developer. The application form and indicative plan show 20 dwellings and the indicative plan shows 23 parking spaces for the surgery. The surgery would replace the current one in Tollerton at 5-7 Hambleton View and would provide 450 sq.m of accommodation with provision made for future expansion and would provide access to many areas of service not currently available within the village such as an optician, a dentist and a midwife. The surgery and associated parking would occupy 0.17ha of the land, and the remaining 1.1ha would accommodate the proposed 20 dwellings. A separate application (16/02054/FUL) has been lodged to convert the existing surgery at Hambleton View into a pair of semi-detached bungalows. The profit raised from that development would be invested into the proposed surgery.
- 1.4 The indicative layout shows a mix of ten different house types, which would provide a mix of two, three, four and five bedroom homes. It is anticipated that four of these will be bungalows with the other 16 being traditional two storey dwellings. An area of 0.19 ha located around the existing pond is identified for public open space.
- 1.5 The Development Plan policy objective is that 50% of the units, i.e. 10, should be affordable housing. A Financial Viability Assessment accompanies the submission and sets out the applicants' justification for proposing the provision of 30% affordable housing, against the Council's policy objective of 50% affordable housing on sites within the Easingwold area. The developer's offer equates to the provision of six affordable units within the scheme.
- 1.6 The application seeks an in-principle decision so improvements have not been sought.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 78/0002/OUT - Outline application for residential development at part OS 9326, Tennis Court Lane, Tollerton; Granted 25 January 1979.
- 2.2 16/02054/FUL - Change of use of doctors' surgery to create a pair of semi-detached bungalows; Pending decision. This application relates to the current surgery at 5 - 7 Hambleton View and appears elsewhere on the agenda.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP9 - Affordable housing  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP15 - Promoting and maintaining affordable housing  
Core Policy CP3 – Community Assets  
Development Policies DP5 - Community Facilities  
Affordable Housing Supplementary Planning Document  
Interim Policy Guidance Note – adopted 7 April 2015

National Planning Policy Framework - published 27 March 2012

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – A questionnaire regarding future development in Tollerton was distributed within the Village and made available online. As a result of this survey the Parish Council wishes to see planning permission refused, as it believes that is the wish of the majority of the village.
- 4.2 Tollerton Surgery Patient Participation Group – Expresses a strong desire to see planning permission granted for a development which it believes will allow the re-provision of the surgery in decent, sustainable premises.

The Group also criticises the conclusions the Parish Council drew from its survey, stating that at the time of the 2011 census, Tollerton had a population of voting age and above of 829. The total response of 232 to the Parish Council's survey was therefore 28% of the adult population, and excludes younger and residents of surrounding villages served by the surgery. The Group states that those who opposed the development in their responses therefore represent 15% of the adult residents of the village.

- 4.3 Highway Authority – No objection; conditions recommended.
- 4.4 Ministry of Defence - No safeguarding objections.

- 4.5 Environmental Health Officer – No objection; conditions relating to contaminated land are recommended.
- 4.6 Yorkshire Water – No objection; recommends conditions.
- 4.7 Public comment – 27 objections were received during the notification period, summarised as below:
- Tollerton is simply not suitable for additional housing or the additional traffic from them and the surgery;
  - Limited capacity of local facilities, utilities and schools;
  - Poor access into the site;
  - The main road adjacent to this development is over-used and dangerous; additional traffic will add to the danger;
  - 25% of current patients are from Tollerton so the majority travel to the surgery by car;
  - Support a new surgery but in a better location with safer access and parking;
  - Parking at the surgery will spill onto nearby roads, increasing risks;
  - Problems of high water levels and flooding in the area will be exacerbated;
  - Surface water drainage concerns - the current drains overflow during heavy rain;
  - Insufficient capacity for drainage, water and electricity supplies for existing residents;
  - Loss of privacy for existing residents;
  - Loss of wildlife habitats;
  - There is no need for a new surgery;
  - Precedent for developing on green field sites in rural areas;
  - Additional houses in the village will lower existing house prices; and
  - Creation of new access is unnecessary, will cause the destruction of trees and hedges, cause disruption to residents and (potentially) provide opportunity for extension of the development site to neighbouring fields.
- 4.8 94 comments have been received in support of the doctor's surgery.

## **5.0 OBSERVATIONS**

- 5.1 The issues for consideration when determining this application are (i) the desirability of a new doctors surgery in this location; (ii) the desirability of development of dwellings in this location, including enabling the surgery and the delivery of affordable housing, (iii) the size, type and tenure of the proposed dwellings; (iv) impact on highway safety; (v) impact on residential amenity; and (vi) impact on the adjacent Conservation Area. It will then be necessary to consider the balance of these planning issues and form an overall conclusion.

### The desirability of a new surgery in this location

- 5.2 Local Development Framework Policies CP3 and DP5 commit the Council to supporting proposals that would provide and enhance community facilities (the doctor's surgery in this case), recognising their importance to the sustainability and well-being of communities. The provision of an improved surgery would be a clear benefit to the local community and can therefore be supported in principle. Policy DP5 states "The involvement of the local community will be sought in identifying the importance of local facilities and in developing appropriate solutions for their retention and enhancement". However, the application gives no indication that community views were sought before submission and the application will need to be considered in the context of the differing local views summarised in section 4 of this report.

- 5.3 The National Planning Policy Framework (NPPF) provides broad support for the approach taken by policies CP3 and DP5 in paragraph 187, which states that “Local planning authorities should look for solutions rather than problems, and decision makers at every level should seek to approve applications for sustainable development where possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”
- 5.4 The current surgery in Tollerton is in a pair of converted semi-detached dwellings. The physical condition of the surgery was surveyed by North Yorkshire and York Primary Care Trust in 2008. The surgery was given an overall quality code of C - a less than acceptable facility requiring capital investment. One area investigated was the space utilisation of the facility which looked at how the surgery is laid out and the development capacity, which is the ability the surgery has to expand physically to accept more patients. Both of these fell short of what is acceptable, with the constraints of conversion having created a poor layout with a lack of privacy. It was identified that there is no scope to extend the surgery further.
- 5.5 A later report was carried out for the Care Quality Commission in December 2014. It rated the overall service of the surgery as good, however the safety of the service was considered to require improvement. This related to providing safe services, the running of the practice, safeguarding protocols and pre-employment checks of staff, not the physical safety of staff and patients due to the condition of the building. There were some issues identified with potential infection sources due to loose tiling and damaged work surfaces, an excerpt from the report states:
- “We looked in the clinical areas at the practice. We noted unsuitable flooring in the treatment and nurse’s room, and noted loose tiling on window sills, masking tape to repair a damaged work surface and no sealant around sink and draining areas. There was no action plan available to show when these issues would be addressed. The practice business plan showed the practice was in the initial stages of exploring the possibility of new premises.”
- Whilst these later findings are not questioned, they do not, of themselves suggest that a new surgery is needed; the evidence in support of that arises from the 2008 survey and it is considered that the problems identified then still exist.
- 5.6 Whilst policies CP3 and DP5 provide support for the surgery in principle, it is also necessary to consider it in the context of policy CP4 because the chosen location is outside Development Limits. CP4 states that development in locations such as this will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, and where (iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy.
- 5.7 The agent advises that other sites have been investigated for the purposes of construction a new doctor’s surgery in Tollerton. They advise that the partners have been looking for alternative premises for a considerable number of years. In September 2012 their search only identified a piece of land off South Back Lane, which was also outside Development Limits. They were advised that the landowner would only sell the land at residential value. There was insufficient funding to progress the purchase at residential value so this option was not progressed.
- 5.8 The agent advises that the partners also explored the option of purchasing an existing building within Development Limits and either demolish it or seek to convert it. However, this was again beyond the finances of the doctors and the NHS, as full market value would have to be paid for the property, in addition to the demolition and

new build costs. In addition it was felt that converting a dwelling into a surgery would raise issues similar to those experienced in the current surgery. Having regard to all these points it is considered that there are no available and viable alternative sites within Development Limits and the case for an exception under policy CP4 should therefore be considered.

- 5.9 It is regarded by the applicants that there is a requirement for a purpose built doctor's surgery in Tollerton to meet the needs of a growing population. The current patient numbers at the surgery are 3,500 and the proposed surgery would be able to accommodate 5,000 patients. Supporting information advises that there is an average increase in patient numbers of 100 per annum. It is therefore estimated that it would be 15 years before the expansion of the surgery anticipated in the proposal would be required. The applicants consider that an extension could then accommodate a further 10 years of patient growth.
- 5.10 Criterion (iii) of Policy CP1 supports proposals where they promote and encourage or protect and enhance the health, economic and social well-being, amenity and safety of the population. Policy CP2 supports proposals which minimise the need to travel. It is considered that the proposed surgery would achieve both of those aims. A purpose built surgery, offering a range of health-related services would protect and enhance the health and social well-being of the population of Tollerton and villages within the surgery's catchment. It would also protect the economic well-being of the population by maintaining jobs at the surgery and in time, potentially, offering more employment.
- 5.11 Relocating the surgery within Tollerton, a Secondary Village, would maintain the ease of access that patients already have, meeting the requirements of policy CP2. The majority of people who have submitted comments live in Tollerton; however comments have been received from residents of Alne, Linton-on-Ouse, Newton-on-Ouse, Aldwark and Shipton by Beningbrough, all stating that they are patients at the surgery. Linton-on-Ouse is a Service Village and Alne and Shipton are Secondary Villages, so all would be sustainable alternative locations. However it is considered pragmatic to keep the doctors surgery within the same settlement that it always has been, maintaining the catchment area and means of access currently used by those in Tollerton and the other villages the surgery serves.
- 5.12 The practice partners at Tollerton Surgery applied to the NHS England General Practice Infrastructure Fund for finance for the new doctors' surgery in January 2015. An integral part of the successful bid was that a landowner and developer who would provide the land upon which the surgery would be built and provide essential infrastructure such as the highway and services, along with site management costs, had been found. The funding secured means that Tollerton Surgery only has to find a third of the new surgery's development cost. The residential element of the proposal would therefore subsidise the provision of the essential infrastructure to serve the new doctors surgery and enable the provision of the land for the new surgery at no cost. This approach makes the provision of a new doctors' surgery more viable as the doctors would only have to find the build and fitting out costs. Funding for this could be provided by sale of the current surgery.
- 5.13 Securing funding from the NHS is dependent on securing planning permission for the surgery. Correspondence has been received in support of the application from the Deputy Director, Estates and Capital Programmes (NHS Scarborough and Ryedale Clinical Commissioning Group (CCG)) that the Tollerton practice replacement is named within the CCG estates strategy as a priority and has been supported by the CCG, which was a pre requisite before being approved by NHS England. It is explained that the Tollerton Scheme has been sifted and prioritised and that NHS

England is expected to confirm the funds early next year to be spent in total no later than March 2019.

- 5.14 There are tight time scales to ensure the delivery of the surgery to satisfy the funding criteria of NHS England. The funds provided must be spent no later than March 2019 and so it is anticipated that the surgery would be delivered on or before this date to ensure funding by the NHS. If permission is granted, the phasing of the delivery of the surgery relative to the housing can be secured through the use of an appropriate planning condition.
- 5.15 Considering all of the foregoing, and having regard to the public views expressed, it is reasonable to conclude that a new surgery in this location would provide an effective way of improving local health services in accordance with policies CP3 and DP5. Of itself, the surgery would be a relatively small-scale enlargement of the village allowed for by an exception in policy CP4 and its impact on the character of the village and the adjacent countryside would be limited. The character impact of the proposal is considered below.

The desirability of residential development in this location (including enabling the surgery and the delivery of affordable housing)

- 5.16 Tollerton is a Secondary Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.
- 5.17 The NPPF states, in paragraph 55, "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".
- 5.18 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported 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."
- 5.19 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on a piece of land where two of the site boundaries abut Development Limits. Development adjacent to the Limits would provide a logical option for growth of the village. The proposal would support local services and would be in accordance with the aims of sustainable development.



- 5.20 Development here, at an appropriate scale, would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. However, a development of 20 dwellings is considered too large to be termed “small in scale” as intended by the IPG. It therefore remains to be considered whether an exceptional justification can be made for the housing element within the context of LDF Policy CP4.
- 5.21 Policy CP4, criterion iii, allows for housing beyond Development Limits where an exceptional case can be made in terms of policies CP1 and CP2 and where “it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy”. It has already been concluded that the new surgery would meet a local need that cannot realistically be met in a settlement within the hierarchy. However, given the scale of the residential element, it is necessary to consider its likely impact on the character of Tollerton and the adjacent countryside and whether the proposed scale, 20 dwellings, is necessary in order to enable provision of the new surgery.
- 5.22 The site is screened by housing on Forge Lane, and Alne Road, however there would be extensive views of the site from dwellings on those roads and some views from dwellings on Tennis Court lane. There is a public right of way from Tennis Court Lane North West to Alne Road which allows views north into the site. The visibility of the site is not a matter of principle but any reserved matters submission would need to take into consideration the need for appropriately designed soft landscaping.
- 5.23 Any reserved matters application seeking approval of the access, appearance, landscaping, layout and scale of development should recognise and respect that this is an area of mature trees and extensive hedgerows. There is also a pond of approximately 300 sq. m, and 800mm deep which is surrounded by a variety of different trees and shrubs. The indicative plan shows that the pond and areas to the north east and south west would be reserved as a publically accessible open space. This area is an important feature in the field, and to avoid any detrimental impact on the open character and appearance of the surrounding countryside the dwellings should be positioned so that they do not encroach, as well as protecting the health of the pond and associated biodiversity in the water and in the trees and shrubs.
- 5.24 It is considered that the dwellings can be accommodated within the capacity of the existing village infrastructure, taking account of the advice of statutory consultees and the expansion of surgery facilities that would accompany the housing.
- 5.25 To allow the surgery to be funded, the 0.17ha required for it would be gifted by the current owners. Factoring in the requirement for affordable housing, it is considered by the owner that outline planning permission for 20 houses would generate a viable land value for them. The landowners consider that fewer than 20 units would be unviable and they would instead pursue allocation through the local plan process for dwellings without a surgery.
- 5.26 It is the Council's current approach to seek a financial contribution towards affordable housing from schemes of six to ten dwellings, as allowed for by the November 2014 Ministerial Statement “Small scale developers”, and to seek on-site provision of affordable housing from schemes of more than dwellings. In the Easingwold sub-area, policy CP9 sets a target of 50% affordable housing, which equates to ten of the proposed units in this case. However, policy CP9 allows for some flexibility of affordable housing numbers on individual sites, stating that “the actual provision on individual sites will be determined through negotiations taking into account viability and the economics of provision”.

- 5.27 The applicants' supporting viability report states that a 20% profit return must be guaranteed on this scheme to secure lending for it. In an independently commissioned assessment of the viability documents, the Council's advisor Keppie Massie has stated that a lower return of 18% should be expected instead. The applicants disagree with this and argue that small-scale developers cannot obtain funding unless the lender is satisfied that the scheme will return a 20% profit margin. The applicants' and the Council's advisors are in discussion on these issues and an update will be provided to the meeting. However, it is clear from the landowner's comments reported above that a reduction in the scale of the scheme would jeopardise the achievement of the new surgery.

Housing size, type and tenure

- 5.28 The indicative layout shows a mix of ten different house types, which would provide a mix of two, three, four and five bedroom homes. The viability assessment has been based on the following mix:

<b>Dwelling</b>	<b>Floor space (sq.m)</b>	<b>Number</b>	<b>Space standard</b>
Two bedroom semi-detached bungalow	68	4	3 bed spaces
Two bedroom semi-detached house	70	2	3 bed spaces
Two bed terraced house	75	3	3 bed spaces
Three bedroom terraced house	84	1	4 bed spaces
Three/four bedroom semi-detached house	101	2	5 bed spaces
Three/four bedroom detached house	110	1	6 bed spaces
Four bedroom detached house	138	3	8 bed spaces
Four bedroom detached house	169	1	8 bed spaces
Four/five bedroom detached house	176	2	8 bed spaces
Four/five bedroom detached house	214	1	8 bed spaces

- 5.29 As the proposal includes more than ten market dwellings, the Council's normal requirement is for 10% of dwellings to be two-bedroom bungalows, which is met.

- 5.30 A reserved matters submission would include floor plans of the proposed dwellings, which should take into account the Nationally Described Space Standards and provide adequate built-in storage and comply with the number of bed spaces recommended for the size and number of storeys of each dwelling.

Highway safety

- 5.31 The submitted Transport Statement, in paragraph 3.4.3 states that the proposed development could generate between 64 and 84 vehicle movements per hour at the peak periods. This traffic would use the junction of Forge Lane with Alne Road. The Highway Authority has no objection to the scheme, subject to the imposition of appropriate conditions. Whilst residents have expressed significant concerns about

increased congestion as a result of the re-location of the surgery it should not initially result in any additional traffic in the village.

- 5.32 The current doctor's surgery on Hambleton View has six parking spaces. The indicative plan shows 17 more at the new site and complies with the Highway Authority's parking requirements. The surgery would be accessible via footpaths along Alne Road, and there is a bus stop at the corner of Forge Lane and Alne Road. There is no access off Tennis Court Lane shown on the indicative site plan. Whilst access is a reserved matter, it is considered that a safe access to the site can be achieved.

#### Residential amenity

- 5.33 This application is an outline with layout details reserved for later consideration. However the indicative layout plan includes separation distances of 20 to 23 metres where the rear elevations of the proposed houses would face onto the rear of the existing houses on Forge Lane. Given this it is considered that suitable separation distances can be achieved in order to protect residential privacy and amenity.

#### Impact on the Tollerton Conservation Area

- 5.34 The site adjoins the Tollerton Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 5.35 In order to discharge this responsibility there should be an assessment of what contribution this currently-undeveloped area makes to those elements which contribute to the character or appearance of the Conservation Area and what effect the loss of this site and its subsequent development might have upon the designated area.
- 5.36 The site is a field that is on the edge of the settlement wrapped around by residential properties on Forge Lane and farm buildings and a hedgerow on Tennis Court Lane. The field beyond an agricultural hedge together with the hedge provides a 'soft' green setting to the village. Glimpses of the countryside are achieved from Tennis Court Lane and to a lesser extent from Forge Lane. A public right of way runs north west from Tennis Court Lane through farmland. This cross field public footpath affords views toward Tollerton and the Conservation Area.
- 5.37 After the development the views of the village would continue from the public footpath albeit that new buildings would be closer in the view. The field hedge that is an important feature bounding Tennis Court Lane can be retained. There are no listed buildings that would be significantly affected by the development. The strong form of the street pattern, Main Street and Back Lane, and the arrangement of buildings and spaces would not be altered by the development. Providing that the green edge to the site is retained it is considered that the loss of the openness of the field following the development would not give rise to significant harm to the elements that contribute to the significance of the Conservation Area.
- 5.38 It is therefore considered that any harm to heritage assets would be limited and outweighed by the clear public benefits of providing health care land and new homes that meet the needs of the local community.

#### The planning balance

- 5.39 The development of a new surgery would support the wellbeing of the local community and considering the delivery options that were considered before the

application, a case for it being built on this site, as exceptional development within the context of policy CP4, has been made. The development of 20 dwellings outside Development Limits would not be small in scale and therefore cannot be considered under the IPG. However, and subject to any further valuation advice, it is accepted that the landowner's position and the economics of development provide some justification for the housing as a means of enabling the new surgery.

- 5.40 On balance is it considered that the provision of a required healthcare facility to meet the needs of the community within Tollerton and in neighbouring villages justifies what would otherwise be an unacceptable residential development scheme outside Development Limits.

## 6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. No development shall be commenced until details of the following have been submitted to and approved by the Local Planning Authority: access, the external appearance of each building, including a schedule of external materials to be used, the landscaping of the site, the layout and the scale of the development ("the reserved matters"). The number of dwellings shall not exceed 20.
2. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. The development hereby permitted shall be begun either before i) the expiration of three years from the date of this permission; or ii) the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.
4. The permission hereby granted shall be undertaken in accordance with the following approved drawings: Location Plan (drawing number 3719/11) received by Hambleton District Council on the 7th September 2016; and Indicative Site Layout Plan (Drawing No. 3710/10 REV.A) received by Hambleton District Council on the 7th September 2016.
5. No development shall take place above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
6. No development shall be commenced until detailed cross sections have been submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. No development shall take place above foundation level until details that show how 'Secured by Design' principles have been incorporated into the scheme have been submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

8. No development shall take place above foundation level until a detailed scheme for the implementation of the mitigation measures outlined in the submitted Extended Phase 1 Habitat Survey and the Great Crested Newt Survey Report produced by Wold Ecology LTD, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme and programme for implementation.
9. No development shall be commenced until an Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Thereafter the development shall be undertaken in accordance with the approved plans.
10. No part of the existing boundary hedge along all boundaries of the site shall be uprooted or removed and the hedges shall not be reduced below a height of 2.5 metres; unless approved in writing by the Local Planning Authority as part of the reserved matters submissions.
11. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a validation report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
12. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
14. No development shall take place until details of the proposed highway layout and construction including a timetable for their delivery have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details. The details shall include but not be limited to: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (i) the proposed highway layout including the highway boundary; (ii) dimensions of any carriageway, cycleway, footway, and verges; (iii) visibility splays; (iv) the proposed buildings and site layout, including levels; (v) accesses and driveways; (vi) drainage and sewerage system; (vii) lining and signing; (viii) traffic calming measures; and (ix) all types of surfacing (including tactiles), kerbing and edging; (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing: (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals; (c) Full highway construction details including: (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways and footways/footpaths; (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (iii) kerb and edging construction details; and (iv) typical

drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; and (h) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

15. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
16. 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 in connection with the construction of the access road or building(s) or other works until: (a) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority: (i) provision of tactile paving; and (ii) provision of a footway connecting the development to the existing footway on Alne Road; and (b) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
17. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 16: (a) Provision of tactile paving; and (b) Provision of a footway connecting the development to the existing footway on Alne Road.
18. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
19. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (a) the hours of work; (b) the parking of vehicles of site operatives and visitors; (c) loading and unloading of plant and materials; (d) storage of plant and materials used in constructing the development; (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (f) wheel washing facilities; (g) measures to control the emission of dust and dirt during construction; (h) a scheme for recycling/disposing of waste resulting from construction works; and (j) access arrangements for emergency vehicles during the construction phase.

Matters relating to Affordable Housing, provision of a Doctors Surgery and Open Space to be included in a Planning Obligation under section 106.

- ~~20. The development shall not begin until a scheme for the provision of affordable housing, as defined in Annex 2 of the National Planning Policy Framework (2012),~~

has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide that not less than 30% of the dwellings to be constructed on the site shall be affordable housing. The affordable housing shall be provided in accordance with the approved scheme, which shall include:

- i. ~~The numbers, size, type, tenure (to meet the standards of the Size, type and tenure SPD) mix, and location on the site of the affordable housing provision to be delivered;~~
- ii. ~~the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing and the GP surgery being substantially complete;~~
- iii. ~~the arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD or any additional or successive planning policy document adopted by the Council or to ensure that the affordable housing is affordable to both first and subsequent occupants; and~~
- iv. ~~the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria will be enforced.~~

~~21. No development shall take place until a scheme for the provision of on-site open space has been submitted to and agreed by the Local Planning Authority. The scheme shall include details of the laying out and construction of the open space, the equipment to be provided on the open space, a timetable for its provision, and arrangements for its future maintenance. The open space shall then be provided and maintained in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.~~

~~22. Full details of the phasing of the construction of the development hereby approved including, but not limited to, a site layout plan identifying the proposed location and timing of construction of the dwellings and GP surgery, the provision of internal roads, footpaths, cycleways and public open space, temporary highway and pedestrian routings shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The development shall be carried out only in accordance with the phasing details approved under this condition.~~

~~23. No development shall take place until a scheme relating to land on which the GP surgery facilities hereby approved are to be located as part of the development has been submitted to and approved in writing by the Local Planning Authority. The GP surgery scheme shall provide for but not be limited to: (a) The identification of 1,600 sqm (as shown on the attached indicative layout marked 3719/10 Rev A) of land (including provision for vehicular, cycle and pedestrian access, drainage, electricity, mains water, mains gas, telecommunications services and future expansion land) sufficient to accommodate 450sqm of floor-space located over 1 floor for GP, community health and associated services; and (b) Details relating to availability of the healthcare land including management and maintenance. For a period of 2 years following the approval of the GP surgery land scheme, the GP surgery land shall be used for no purpose other than for GP, community health and associated services.~~

The reasons are:

1. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

3. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
4. 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 Policies CP1, DP1, CP16, DP28, CP17 and DP32.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Local Development Framework Policies CP1, CP17 and DP32.
7. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
8. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures in accordance with Local Development Framework Policy CP16 and DP31.
9. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
10. The hedges are of important local amenity value and protection of the hedges is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
11. In the interests of human health and the environment.
12. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.
13. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network)
14. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
15. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
16. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
17. In the interests of the safety and convenience of highway users.
18. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
19. In the interests of highway safety and the general amenity of the area.
20. ~~To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.~~



21. ~~To ensure that the development provides for the recreational needs of its occupiers, in accordance with Hambleton Local Development Framework policies CP19 and DP37.~~
22. ~~The housing development is only considered acceptable, as an exception allowed by Local Development Framework policy CP4, on the basis that it enables the provision of the surgery.~~
23. ~~To ensure that the development provides the community facilities that meets the needs of the local community in accordance with the LDF Policies CP3 and DP5.~~

#### 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.
2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

## Appendix 2

**Parish: Tollerton**  
Ward: Easingwold  
**11**

Committee Date: 25 May 2017  
Officer dealing: Caroline Strudwick  
Target Date: 31 May 2017

**16/02054/FUL**

### **Change of use of doctors surgery to create a pair of semi-detached bungalows At Tollerton Surgery, 5-7 Hambleton View, Tollerton For Tollerton Surgery.**

#### **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is used as the GP surgery for Tollerton and surrounding villages. The Surgery moved to this location over 30 years ago and was extended in 1991. It occupies what was originally a pair of semi-detached bungalows located on the western side of Hambleton View, off Newton Road in Tollerton. The site is within Development Limits of Tollerton.
- 1.2 The surgery has a floor area of 136 sq.m, which contains three consulting rooms, a treatment room, two offices, a dispensary, a waiting room and a reception area. Outside there is parking for four cars to the rear of the building and a disabled parking bay located to the front of the building. Staff utilise the rear car parking spaces and as such all patients that arrive by car and cannot use the disabled parking bay have to park on Hambleton View or other nearby roads and by arrangement at the nearby church.
- 1.3 The Surgery currently serves over 3,500 patients resident in Tollerton, Aldwark, Aine, Flawith, Huby, Newton on Ouse, Linton on Ouse, Shipton by Beningbrough and Tholthorpe. Patient records have to be stored off-site due to restricted accommodation.
- 1.4 The building has reached capacity and further extension is not an option. The services provided, along with the continuing need to expand services and provide a safe environment for employees and patients alike, has resulted in the surgery being identified as "not fit for purpose" in a recent NHS report.
- 1.5 This application seeks permission to change the use of the surgery back to two independent dwellings. No change to the exterior of the building is proposed. The disposal of the site would part fund the development of a new, purpose-built doctors' surgery at a site off Forge Lane, which is the subject of a separate planning application (16/02013/OUT).

#### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 10/01220/FUL - Temporary siting of portable unit to be used as office and administration facility; Granted (for one year) 20 July 2010.
- 2.2 16/02013/OUT - Outline planning application with all matters reserved for a doctors surgery and residential development (20 units) with associated infrastructure and landscaping (at land off Forge Lane, Tollerton) – pending decision.

#### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP3 - Community assets  
Development Policies DP5 - Community facilities  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework

**4.0 CONSULTATIONS**

- 4.1 Tollerton Parish Council – no response received
- 4.2 Highway Authority – No objection subject to a condition to secure off-road parking.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Yorkshire Water – no response
- 4.5 Public comment – one comment has been received noting disappointment at the decision to close the surgery. It is unclear whether the author is aware of associated proposal 16/02013/OUT.

**5.0 OBSERVATIONS**

- 5.1 The issues for consideration for this application are (i) the loss of the doctor's surgery; (ii) the impact on residential amenity; and (iii) highway safety.

Loss of the surgery

- 5.2 Policy DP5, Community Facilities, of the Hambleton Local Development Framework states that proposals that will lead to the loss of community facilities will only be permitted if:
- i There is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
  - ii Retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current operator or by any alternative occupier; or
  - iii An alternative facility is provided or the facilities are combined with other facilities, which meets identified needs in an appropriate accessible location.
- 5.3 The surgery proposes to re-locate elsewhere within Tollerton and an outline application that would facilitate it, 16/02013/OUT, is considered elsewhere in this agenda. This indicates there is continuing community need for a GP surgery and would suggest that a surgery remains a financially viable proposition in Tollerton, therefore criteria i and ii cannot provide support for this application. However, if the replacement surgery is permitted, including approval of reserved matters, and implemented it would allow the current surgery to be put to another use, as this application proposes, under criterion iii.
- 5.4 It is considered that, in the event of application 16/02013/OUT being approved, appropriate measures could be put in place, through the use of a planning condition, to ensure this community facility is only lost if a replacement is provided.

Residential amenity

- 5.5 It is considered that the proposed change of use would have a positive effect on the amenities of neighbours through a reduction in daily traffic, both vehicular and pedestrian. The change of use to residential would also significantly decrease on-street parking in the immediate area.

#### Highway safety

- 5.6 The Highway Authority has no objection to this scheme, subject to a condition with requires details of vehicular access and vehicular parking for both dwellings.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application 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 0716/03A and 0716/05 received by Hambleton District Council on 13th September 2016 unless otherwise approved in writing by the Local Planning Authority.
3. No part of the development shall be brought into use until full details of the following have been submitted and approved in writing by the Local Planning Authority and constructed in accordance with the approved details: (a) vehicular accesses; and (b) vehicular parking for both dwellings. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
4. The doctors' surgery shall remain available for use until a suitable replacement doctors' surgery is provided to supersede the facilities at 5-7 Hambleton View, Tollerton.

The reasons 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 Policies CP17 and DP32.
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
4. In accordance with Hambleton Local Development Framework policy CP3 and DP5 and to ensure there is no loss of community facilities to the community of Tollerton and neighbouring villages.

#### Informative

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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.