

Parish: Seamer
Ward: Hutton Rudby
13

Committee date: 15th November 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 19th November 2018

17/00442/OUT

**Outline application with all matters reserved for 5 dwellings
At Stokesley Used Car Sales, Tame Bridge
For Mr Da Silva**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is approximately 0.98 hectares in size. The settlement of Tame Bridge is located approximately 0.7 km to the west of the built up area of Stokesley. There is a footpath link the entire route between the two settlements, with street lighting. The predominant characteristic in this part of the settlement is of a linear form of development.
- 1.2 The site previously accommodated a scrap/breakers yard, an engineering works and recycling depot. Its more recent use has been described as storage. A large portion of the rear of the site is covered by waste. The supporting planning statement describes the waste on site as having being “deposited unlawfully over previous years, and the site is in significant need of *clearing and remediating.....to address the unsightly views, and odour impact*”. Members should note that the application site has been the subject of ongoing complaints from neighbours, linked largely to the large amounts of waste that have been dumped at the site. It is also noted that enforcement actions have been explored with a variety of agencies, which have not resulted in the site being cleared.
- 1.3 The site wraps around a parcel of land that is not within the applicant’s ownership. The land has a frontage onto the main road and is unsightly in appearance. It is currently used for outdoor storage of logs/timber and other paraphernalia. The overall appearance is unsightly and unkempt. The storage is not used on a commercial basis and the lawful use of the site has been established to be storage and distribution (B8 Use Class).
- 1.4 There is a separate parcel of land within the ownership of the applicant adjacent the site located to the front of the site, adjacent to the proposed access, which previously accommodated a used car dealership. An application for a detached dwelling on this adjacent site was recently refused at planning committee.
- 1.5 To the east of the site is the dwelling known as Lipperbruch and to the north are open fields.
- 1.6 The proposal seeks outline approval with all matters reserved for 5 detached dwellings.
The plans submitted as part of the application are for indicative purposes only. However, it demonstrates how the development will need to be sited to the north east boundary of the site with a drive extending from the main road. It has been suggested that the dwellings will be of a dormer bungalow design and be a mix of 3 and 4 bedroom units.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 74/0783/FUL - Alterations to existing building and office block and use for light engineering; Granted
- 2.2 75/1661/FUL - Construction of open sand blasting shed; Granted.
- 2.3 76/1462/FUL - Extension to existing workshop and office to provide store and canteen; Granted.
- 2.4 81/0125/FUL – Re-siting paint spray shop; Granted.
- 2.5 88/01586/FUL - Construction of a vehicle maintenance workshop; Granted.
- 2.6 88/01586/FUL - Construct vehicle maintenance workshop; Granted.
- 2.7 88/01586/FUL - Construct vehicle maintenance workshop; Granted.
- 2.8 91/01267/OUT - Outline application for the construction of factory/ warehouse units and offices; Refused.
- 2.9 91/01249/OUT - Outline application for residential development; Refused.
- 2.10 91/01250/OUT Outline application for residential development; Withdrawn.
- 2.11 01/00117/FUL Alterations and extension to part of existing workshop/storage building for use as a dwelling; Refused.
- 2.12 04/02215/FUL - Change of use from garage workshop to car sales area; Granted.
- 2.13 06/00126/OUT - Outline application for the laying out of land and construction of 20 dwellings; Refused and dismissed at appeal.
- 2.14 17/00389/JPN - Prior Notification for the change of use of a building from office use (Class B1a) to a dwelling house (Class C3); Granted.
- 2.15 17/02612/FUL Construction of one detached dwelling house as amended by plans received by Hambleton District Council on 26 March 2018; refused. The reasons for refusal:
1. The size, massing and design of the proposed dwelling are considered to fail to respect the character and form of the settlement and have a harmful impact on the character of the area contrary to the requirements of Core Policy CP17 and Development Policy DP32 of the Hambleton Local Development Framework and the requirements of criteria 3 and 4 of the Hambleton Interim Policy Guidance Note.
 2. The submitted information is considered to be insufficient to ensure that the proposed development does not have a harmful impact on surface and foul water disposal in the vicinity of the application site and as such fails to accord with the requirements of Development Policy DP6 and DP43 of the Hambleton Local Development Framework.
 3. Owing to the proximity of the industrial premises adjacent to the site, it is considered that the occupiers of the property would suffer from a loss of amenity due to noise and dust implications along with a loss of privacy from the neighbouring use and as such the proposed development would fail to meet the requirements of Development Policy DP1 of the Hambleton Local Development Framework.

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 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
Core Strategy Policy CP21 – Safe response to natural and other forces
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
Development Policies DP43 – Flooding and Floodplains
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

4.1 Parish Council – no objection to the (revised) application.

4.2 Highway Authority – no objection, subject to conditions regarding the discharge of surface water, visibility splays, details of access, turning and parking, provision of approved access, turning and parking areas, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during construction.

4.3 Northumbrian Water – Having assessed the proposed development we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request conditions with regard to foul and surface water.

4.4 Environmental Health – concern regarding the large accumulation of waste situated on and behind the application site (thought to be from the previous site operators Greenwood Environmental NE LTD). This waste would have an impact on the residential amenity of the potential occupiers of the proposed dwellings.

Members should note that all waste is proposed to be removed from the site.

4.5 Environmental Health (Contaminated Land) - The Phase 3 Remediation Statement (Solmek, S160916/Rem, July 2017) submitted in support of the above development provides basic details of the proposed remediation, however I am not in a position to approve the report due to the omission of the following details:

- Options appraisal – the options appraisal considers the advantages and disadvantages of different remediation techniques in order to establish the best overall approach to remediation on a site. The developer should refer to CLR11 (Environment Agency, 2004) for details on how to undertake an options appraisal.

- The Remediation Statement does not include any site plans or drawings to show which areas are to be remediated.
 - The volume of material to be remediated (either through excavation and reinstatement or other method).
 - The volume of clean soil cover to be imported to site and the source of such material.
 - The volume of remediated materials proposed for re-use on site and the location of such re-use.
 - Proposed location of any waste disposal.
 - Proposed location of any waste stockpiles prior to disposal.
 - Proposed location of any clean soil cover stockpiles prior to placement.
 - Details of management of stockpiles to prevent cross-contamination, wind entrainment, off-site dust, odours etc.
 - Details of gas protection systems to be installed due to proximity of landfill site to the north (Amber 1 classification not referenced in the Remediation Statement).
 - Details of water supply pipes not confirmed.
 - Details of the phasing of works and timescales not provided.
 - Details of any required consents, agreements, permit and licences, such as discharge consents, waste management licences etc., not provided.
 - Details of general site management procedures to protect site neighbours, environment and amenity not provided.
- The proposals for 'Validation Testing' and reporting as outlined in the Remediation Statement may also require amending once the above information has been submitted and approved."

The Contaminated Land Officer is satisfied that a proposed condition covering the matter of contaminated land is the appropriate course of action in this instance.

4.6 Public comments – no comments have been received regarding the revised scheme.

However, the original scheme attracted 4 observations as summarised below:

Support

- Tame Bridge will be become a more desirable place to live without the view of tonnes of waste which has been tipped there over the past 10 years
- Having a small development of will certainly not do the area any harm
- The scrap yard is an eye sore and it would greatly improve the appearance of the area
- A nice housing complex would add value to Tame Bridge instead of this unsightly mess
- The site is brownfield, with good access and is in close proximity to Stokesley

Objections

- Planning for any houses should only be considered after all this rubbish has been removed and the whole site decontaminated. We are led to understand that all concerned agencies are aware of this but nothing has ever been done with each agency denying responsibility.
- This site historically has been used for industrial use and will be highly contaminated.

Members should note that the objections do not refer to the principle of housing development on the site.

5.0 OBSERVATIONS

- 5.1 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; (iv) highway safety; (v) land contamination; and (vi) drainage

Principle

- 5.2 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.
- 5.3 CP4 also includes criteria ii, "necessary to secure a significant improvement to the environment" and there is scope to consider the view that the scheme will involve the reclamation and remediation of the entire site. There are on-going complaints from neighbours, linked largely to the large amounts of waste that have been dumped at the site. Weight needs to be given to the fact that if the site remains in its current condition, it will deteriorate further. Members should also note that there is no statutory duty for the Environment Agency or Local Authority Environmental Health Service to remove the waste from the site and it is considered that the granting of planning permission for new dwellings will allow the applicant to fund the removal of the waste from the site, bearing in mind the applicant was not responsible for the placement of the waste on the site.
- 5.4 Notwithstanding the provisions of CP4, 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 78 of the NPPF states:
- 5.5 "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".
- 5.6 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. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.7 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.

In the Settlement Hierarchy 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.

- 5.8 Stokesley, which is a Service Centre, is the largest settlement in closest proximity at approximately 0.7km from Tame Bridge, 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 viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable. This would be consistent with appeal decisions in similar situations within the District involving small settlements close to Service Centres.

Character and appearance of the area

- 5.9 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In this instance five dwellings are proposed, which is considered to be an appropriate scale.
- 5.10 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.
- 5.11 Furthermore, one of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.12 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.13 The plans submitted as part of the application are for indicative purposes only. However it demonstrates how the development would be sited to the north east boundary of the site with a drive extending from the main road.
- 5.14 The agent has stated the following with regard to the character and appearance of Tame Bridge:

"The type of dwellings now proposed are dormer bungalows which more closely accord with the prevailing style of dwellings at this end of Tame Bridge, thereby

better complementing the character and appearance of the settlement. The proposed layout of development reflects the historic shape and form of the site which, unlike some of the nearby residential development, has a greater depth given that it used to accommodate an employment use with much larger floorplan buildings and associated storage and manoeuvring space.

Historically this site is equally as important in defining the urban form of Tame Bridge as the adjacent residential development. Tame Bridge is comprised not just purely of 'ribbon' development, it exhibits a range of urban forms including ribbon development and conventional housing estate development e.g. Croft Hills. The development of this modest scheme that will involve beneficial redevelopment of a previously developed site for five detached dormer bungalows is not therefore out of place and would be reflective of the wider character of Tame Bridge."

- 5.15 It is noted that the indicative layout reflects the historic shape and form of the application site itself given the employment use. The predominant characteristic in this part of the settlement is of a linear form of development on the northern side of the road. There are some exceptions to the linear character, including Croft Hills.
- 5.16 Croft Hills, extends back from the main linear form of development. However, it is considered that the application site is not viewed in the same context, which is characterised by residential development in a linear form fronting the main road. In contrast, the proposed development would extend well back into the site and would sit behind a commercial use. Other land also remains, occupying the land to the rear of the frontage properties.
- 5.17 The depth of the proposed development is not in keeping with the prevailing pattern and character of development, where housing generally follows a strong linear form along the main road frontage.
- 5.18 However, in this case, the scale and extent of current waste and the building on the site needs to be considered in the context of Development Policy CP4.

Residential amenity

- 5.19 There is no question that the application site is unsightly, as is the neighbouring site. This is resulting in harm to the character and appearance of the area and the outlook of the neighbouring residential properties.
- 5.20 The site wraps around a parcel of land that is not within the applicant's ownership. The land has a frontage onto the main road and is unsightly in appearance. It is currently used for outdoor storage of logs/timber and other paraphernalia. The storage is not used on a commercial basis and the lawful use of the site has been established to be storage and distribution (B8 Use Class).
- 5.21 It is not anticipated that the adjacent site would give rise to unacceptable noise impact upon future occupants of the current proposal.
- 5.22 The dwellings have been positioned within the site to create a buffer from the 'storage/ depot' site to the southwest. The area between the proposed access road and the storage/ depot site to the south will be landscaped and retained as a buffer with the western portion of the site to be grassed maximising the separation.

Highway safety

- 5.23 The existing access to the site will be utilised. Although access it not a matter to be considered at this stage, there is no suggestion that the access is unsafe or doesn't

provide adequate visibility splays. The Local Highway Authority as raised no objection to the proposal, subject to conditions.

Land contamination

- 5.24 The application has been accompanied by a Phase 1 Desk Study; a Phase 2 site investigation report; a ground gas risk assessment; and a Phase 3 remediation strategy. The Contaminated Land Officer is satisfied that a proposed condition covering the matter of contaminated land is the appropriate course of action in this instance.

Ecology

- 5.25 A Preliminary Ecological Assessment dated March 2017 has been submitted as part of the application. This report concludes that there are no major ecological concerns.

Drainage

- 5.26 Under the current proposals, only part of the wider site is to be developed, with the remaining part of the applicant's ownership to be remediated, grassed over and landscaped. This will enable retention of a large area of land available for soakaway, which is considered to provide adequate provision for surface water drainage given the scale of development proposed. The garden areas of the proposed properties will provide further permeable surface area for drainage.

- 5.27 The agent has stated that following instances of flooding in 2005, various improvement works were undertaken to the drainage infrastructure to address this matter and flooding has not re-occurred since. A condition to cover the exact detailing of the drainage strategy is proposed.

Planning balance

- 5.28 This is plainly not a simple site to develop. The issues of waste on the site and the local impacts of the site on amenity have been in discussion without resolution, for a number of years. Whilst it might be better to see a wider, more comprehensive re-development of the wider site, this is not possible at the moment owing to site ownership. This application is seen as an opportunity to facilitate the remediation of the rear portion of the site, resulting in improvements to the amenity of the neighbouring occupiers.

- 5.29 The layout of the development is not considered to be in compliance with the Interim Policy Guidance. However, this is considered to be off-set by the environmental improvements resulting from the development.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions and a S106 agreement to ensure the complete removal of waste from the whole site:

1. 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 decision and all of the development hereby approved shall be begun before the expiry of which ever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by Hambleton District Council on Site Location Plan L017049-001, unless otherwise approved in writing by the Local Planning Authority.
4. No development shall not commence other than initial site clearance and preparatory works, including the formation of the access, until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
5. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120m measured along both channel lines of the major road (the C1) from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (i) vehicle access from the C1 (ii) vehicular parking (to comply with North Yorkshire County Council parking standards).
7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 6: are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these 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. 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. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for

the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

10. 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.
11. Prior to the commencement of any development above foundation level, full details of existing and proposed ground levels and finished floor levels shall be provided in writing to and approved by the Local Planning Authority. Levels shall be taken from a local known datum point within the adjacent highway.
12. The development hereby approved shall be for no more than 5 dwelling units.
13. The size and type of dwellings forming the proposed development shall comply with Development Policy DP13 and the Councils Supplementary Planning Guidance on Housing Size, Type and Tenure, in terms of providing the right mix of housing in the locality.
14. Notwithstanding the submission of The Phase 3 Remediation Statement (Solmek, S160916/Rem, July 2017) prior to the commencement of the development hereby permitted, full details of the remediation strategy in connection with land contamination shall be submitted to and approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
3. 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(ies) .
4. To prevent the increased risk of flooding from any sources in accordance with the NPPF and Development Policy DP43.
5. In accordance with policy number DP3 and in the interests of road safety.
6. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway 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 accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. In accordance with policy DP3 and in the interests of highway safety.
11. In order that the levels of the proposed development meet the requirements of Development Policy DP32 and DP1 in terms of the character of the area and the amenity of neighbouring occupiers.
12. In order that the scale of development is acceptable, in terms of the character and appearance of the area.
13. In order to ensure an appropriate mix of new housing in accordance with Development Policy DP13.
14. 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 and in accordance with the Hambleton Local Development Framework CP21.