

Parish: South Kilvington
Ward: Bagby & Thorntons
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Committee date: 7 March 2019
Officer dealing: Miss Ruth Hindmarch
Target date: 11 March 2019

18/00952/OUT

Outline planning application with details of access (all other matters reserved) for five detached dwellings with associated infrastructure, a car park and a Primary School sports field

**At Land to the north of South Kilvington Church of England VC Primary School, Stockton Road, South Kilvington
For Mr & Mrs M & G Fox**

This application is referred to Planning Committee at the request of a member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located at the northern end of South Kilvington on the west side of the main road through the village (A61). The site is currently laid to grass and forms the playing field area for South Kilvington Primary School. It is enclosed by a mix of post and rail fencing, hedging and mature trees. The site is currently accessed on the eastern side via a gate.
- 1.2 The site is bounded to the north by Thornborough Grange Park, a holiday lodge park; to the east is the A61 highway with arable land opposite. The access lane to a private dwelling (Innisfree) is located immediately to the south beyond which is the primary school. To the west is further grassland with some planting beyond that leads down to Mill Stream.
- 1.3 This application seeks consent for the construction of 5 detached dwellings and associated amenity space, a car park for the primary school and a replacement playing field for the school. The dwellings would be located on the existing playing field. The site plan shows a single point of access for all dwellings from Stockton Road (A61).
- 1.4 The application is in outline and access is the only matter for approval at this stage. The remaining matters, appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.5 The proposal indicates there would be a mix of dwellings including four-bedroom detached houses, a three-bedroom bungalow and two-bedroom bungalow.
- 1.6 There have been improvements sought in terms of the details of the replacement playing field and proposed car park. No improvements have been secured relating to the proposed dwellings because the proposal is considered unacceptable on a point of principle.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None relevant.

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 CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 – Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 - Development outside Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP37 – Open Space, sport and recreation
Interim Policy Guidance – Adopted 7 April 2015
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments.
- 4.2 Highway Authority – No objections subject to conditions.
- 4.3 Sport England – following submission of revised plans and an agronomist report, Sport England now does not wish to raise an objection to this application as it is considered to broadly meet Exception 4 its policy. The absence of an objection is subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

The playing field and pitches hereby permitted shall be constructed and laid out in accordance with the recommendations in the TGMS report titled “A report on the condition of the existing playing field and adjacent land at South Kilvington Primary School, Thirsk.” dated 25th January 2019 and drawing number 3796-PD-02 with the standards and methodologies set out in the guidance note “Natural Turf for Sport” (Sport England, 2011). The playing field and pitches hereby permitted shall be made available for use before development commences on the existing playing field.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development and to accord with Development Plan Policy.

Should the condition recommended above not be imposed on any planning consent, Sport England would consider the proposal to not meet Exception 4 of our playing fields policy and would therefore object to this application

- 4.4 NYCC Education – Initial objection submitted, following submission of revised plans and information comments are as follows:
- Details of the layout, boundary treatments, levels and access are generally acceptable;
 - If planning permission is granted a planning condition would be required to ensure new playing field is provided prior to any development taking place on the existing sports field;
 - Provision of a car park would provide a significant benefit to the school. Although it has not been seen as a priority previously this has been something the school and Local Authority have tried to address previously but to no avail;

- A direct pedestrian access from the school to the sports field will be of significant benefit;
- NYCC Grounds Maintenance would need to see a schedule of work and would have recommendations to make; and
- Concerns regarding the lease of the land for use by the school.

Further correspondence has been received to confirm Head of Terms have been agreed for a new lease in principle and the objections are withdrawn.

4.5 South Kilvington Primary School – Initial objection received, the school has confirmed they are satisfied the concerns have been addressed and the development will provide the school with long term security of the sports field and address the car parking issue however the school would still like their original concerns highlighting. The original concerns are summarised as

- The current playing field is well established, level, the ground conditions are acceptable and drainage is adequate. If the application is approved we must urge the Council to impose a condition that a replacement field is fully laid out and made available for use prior to any commencement of development;
- The School requires confirmation that the new field is of the same ground quality and is fully fenced with gate access for pedestrian and grounds maintenance vehicles. Also require a safe access route taking into account the vehicles from the car park and those accessing Innisfree;
- Clarity on the tenure of the field is needed - a long term arrangement is requested;
- The provision of the car park is welcome; however the school is not in a financial position to provide or maintain this. The car park would not alleviate the traffic issues which arise on the public highway during school drop off and pick up times. Will the car park be solely for the School's use?
- Details of the proposed shared access road are required: who will be responsible for maintenance? The School requests a right of way on foot and for vehicles to the car park and playing field;
- The development is very close to the school, raising concern about potential disruption to the School day during construction. The School insists that:
 - The proposed sports fields is ready and able to use to the same standard prior to any development being carried out;
 - The car park is provided to avoid any potential conflicts with vehicle movements and construction traffic;
 - All construction vehicles and compounds are on site and secure; and
 - Construction is mindful of noise and disruption that might cause difficulties during school hours to learning and educational activity.

4.6 Ministry of Defence – No safeguarding objections.

4.7 Environmental Health Officer – No objections subject to conditions.

4.8 Public comments – One letter of objection has been received, stating the scheme would represent an out of character, inappropriate extension to the village and would result in the loss of the school's playing field with an inappropriate substitute.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the spatial pattern and character of the area; (iii) the potential loss of playing field land and provision of school car parking; (iv) highway impact; and (v) the impact on residential amenity.

Principle of development

- 5.2 The site falls outside of Development Limits of South Kilvington. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 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. The IPG includes an updated Settlement Hierarchy.
- 5.4 In the Settlement Hierarchy contained within the IPG, South Kilvington is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby. The IPG focusses on the scope for development within and at the edge of villages and does not make specific reference to new development in the wider countryside. The guidance makes reference to development that will support local services in a village nearby. The site is considered to be a sustainable location for appropriate small-scale housing, subject to assessment against the other criteria of the IPG.

Spatial pattern and character of the area

- 5.5 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."
- 5.6 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.
- 5.7 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 128 sets an expectation that applicants engage with the Council and the local community about the design and style of emerging schemes at an early stage.
- 5.8 Consideration must be given to how the development of the site for five houses would impact on the character and setting of the village. It is important to consider whether the development of the site would appear as organic growth and whether it would help preserve or indeed enhance the unique character of the village and ultimately contribute in a positive manner to the sense of place.
- 5.9 With regard to the IPG, the development of five dwellings is identified as what will normally be the limit to what may be small in scale. Criterion 2 of the IPG states that development must reflect the existing built form and character of the village, criterion 3 states development must not have a detrimental impact on the natural, built and

historic environment and criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside.

- 5.10 The development is considered to contravene the above points and is not in accordance with IPG criteria. The proposal would extend the village northwards to an extent that would not respect the existing character of village. The development of the site would not relate well to the village given that it would not only extend the built form significantly of itself, but also because it would remove the green break between the village and the holiday lodge site and the A168. The site represents an important green entrance when approaching from the north and development of this site would have a negative impact on the character of the village.
- 5.11 The opposite side of the highway is open in nature with mature trees along the boundary, as there is at the application site. It is considered the open character on both sides of the road contributes to visual amenity of the area. The entrance to the village is open and tranquil and development on either side of the highway would have a detrimental visual impact and would negatively impact on the character of the area.
- 5.12 The presence of the holiday lodge site to the north is acknowledged however it is considered this is currently distinctly separate from the main village and the development of this site would not represent infill within the village.

Potential loss of playing field land and provision of school car parking

- 5.13 The applicant is proposing to build on land that is currently used as a playing field for the adjoining primary school. In order to compensate for this a new playing field would be provided to the rear of the proposed housing development. The initial plans and level of detail regarding the replacement playing field were not satisfactory and Sport England objected. Following revisions in the plan, additional information and an agronomist's report that have sought to address concerns raised by NYCC, the school and Sport England the objection from Sport England has been removed.
- 5.14 The replacement playing field would be smaller than the current playing field, although Sport England does note that aerial photographs suggest that the northern part of the existing playing field does not appear to have been maintained recently. Although the proposed playing field would be smaller it appears that it would be able to accommodate the same pitches as the existing one.
- 5.15 A report on the condition of the existing playing field and the land proposed for a replacement facility produced for the applicant indicates that with the appropriate work and ball stop netting the proposed playing field could be constructed to at least the same quality as the existing playing field therefore it would be able to accommodate the same amount of play. As a result, provided that the reports' recommendations are implemented and that the proposed playing field can be used prior to the loss of the existing playing field then Sport England would conclude that the proposal provides an adequate replacement playing field.
- 5.16 NYCC Education and the School have provided detailed comments on the proposal and following the revised and additional information submitted are generally supportive. They would echo the comments by Sport England in that the new playing field must be provided prior to work commencing on the site and it is acknowledged this could be controlled by planning condition. There are concerns over the terms of the lease agreement and cost of the lease and discussions are ongoing however these issues are not material planning considerations and it would be up to the applicant, the school and NYCC to agree this. Providing a satisfactory playing field area is provided there is not considered to be a planning concern in this respect.

- 5.16 The proposed new car park would provide parking for the school, a facility it does not currently have and it is acknowledged this is a benefit of the scheme however it is not considered this would greatly improve the traffic and parking concerns at school drop off and pick up times, the car park would be beneficial to school staff in the first instance. The proposal would also amend access arrangements to the playing field and would provide a safer access point for the school as it would be away from the main road.

Highway impact

- 5.16 The site is located on a straight part of the highway and partway along the frontage of the site the speed limit drops to 30mph. The single access point is taken from around midway along the frontage. The Highway Authority has assessed the application and raises no objections but would require conditions to be attached should the application be approved.

Impact on residential amenity

- 5.17 The proposed dwellings would be located at a sufficient distance from existing residential properties to ensure the impact on neighbouring amenity is acceptable. It is also considered there would be sufficient space between the dwellings and within the site for amenity space. The provision of the car park and replacement playing field are also considered acceptable in terms of the impact on residential amenity.

Planning balance

- 5.18 The proposed development would provide some benefits including the provision of parking for the school, a safer access route for the school to the new playing field area and potential improvements in the terms of the lease of the playing field land. These benefits are acknowledged and are welcomed. However, given the assessment above in terms of the visual impact of the proposal and the impact on the character of the area it is not considered the scheme can be supported. The new playing field with safer pedestrian access and proposed car park could be provided without the proposed development of dwellings, should the applicant wish to do so, and there has been no suggestion the proposed dwellings are required in order to fund the proposed playing field and car park area.
- 5.19 Overall, it is considered the harmful impact of the development on this site outweighs the benefits identified.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The scheme is contrary to CP4 of the Hambleton Local Development Framework and does not meet any of the exceptional circumstances for development outside Development Limits. It also fails to comply with the requirements of the Council's Interim Policy Guidance Note as the location does not respect the built form of South Kilvington by proposing development where it is considered not to be organic growth of the village, providing a natural infill to existing development or a natural extension to the built form. The proposed scheme would extend the built form of the village in to the open countryside, causing a disproportionate physical and visual intrusion into the openness of the countryside. The proposed residential development would cause significant harm contrary to the Hambleton Local Development Framework Policies CP1, CP4, CP16, DP9, DP30 and DP32 and the Council's Interim Policy Guidance (IPG).