

**Parish: Seamer**  
Ward: Hutton Rudby  
**12**

Committee date: 4 April 2019  
Officer dealing: Mr C Allison  
Target date: 16 April 2019

**19/00152/FUL**

**Change of use from car sales office to dwelling, alterations and addition of single storey extension**

**At Stokesley Used Car Sales, Tame Bridge**

**For Mr Da Silva**

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

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

- 1.1 The application site is approximately 0.07 hectares in size, currently accommodating a vacant car sales office. The office is accommodated in a simple, rectangular single storey structure, with a modest set back from the road frontage and surrounding area of hardstanding. Located to the rear of the site are derelict industrial buildings. It is understood that these previously accommodated an engineering works and recycling depot, which extends to the land to the north. There is also a yard and workshop to the west.
- 1.2 Located to the east is a line of dwellings, which are characteristic of the predominant linear form and character of Tame Bridge. The majority are single storey, although the nearest property is a larger, two storey detached dwelling. Common to all development within the village is the palette of materials, including brown and red brick and tile, and cream render.
- 1.3 Located to the south, on the opposite side of the road is a belt of trees, with open countryside beyond, with pockets of dispersed development
- 1.4 Consent (17/00389/JPN) was granted in 2017 to convert the office building into residential use. This was with the benefit of Class J of the permitted development Order. However, it became apparent during the construction works that a 4 metre extension had been constructed to the rear of the building as part of the redevelopment of the site. The construction of the extension is not covered by the Permitted Development rights and it's construction effectively voids consent under the Order. In order to seek to regularise the matter, the applicant has submitted a full planning application for the change of use of the building and the extension to the rear of the existing building.

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

- 2.1 2/00/128/0016A – Use of land for private hire and taxi business; Granted temporarily for one year, 13 September 2000
- 2.2 04/02215/FUL – Change of use from garage workshop to car sales area; Granted 24 January 2005
- 2.3 17/00389/JPN – Prior Notification for the change of use of a building from office use (Class B1a) to a dwelling house (Class C3); Approved 13 October 2017

2.4 17/02612/FUL – Construction of one detached dwelling house; Refused 2 July 2018, Appeal in progress. 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

Development Policies DP1 - Protecting amenity

Development Policies DP3 – Site Accessibility

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policy DP13 – Achieving and maintaining the right mix of housing

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Interim Guidance Note - adopted by Council on 7th April 2015

National Planning Policy Framework - published July 2018

### **4.0 CONSULTATIONS**

4.1 Parish Council – No objection

4.2 Northumbrian Water – There is a water main in close proximity to the site which may be affected by the proposed development. Therefore, the developer would need to work with Northumbrian Water to establish the exact location and put appropriate measures in place.

4.3 North Yorkshire County Council (Highways) – No comments received.

4.4 Environmental Health – No comments received.

4.5 Public comments – No comments received either objecting or supporting the application

## 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) size of proposed dwelling

### Principle

- 5.2 As set out above, the development cannot rely on the Permitted Development rights for support and as such it is necessary to test the proposed development against the Development Plan.
- 5.3 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development. In determining applications decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 5.4 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.
- 5.5 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 July 2018. Paragraph 78 of the NPPF states:
- 5.6 "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.
- 5.7 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.
- 5.8 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 planning infrastructure
  6. Development must conform with all relevant LDF policies

- 5.9 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.
- 5.10 Stokesley, which is a Service Centre is the largest settlement in close 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 as clustering with Stokesley and as such 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

- 5.11 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form. The existing site has an open character with the existing building being small in scale, reflective of its previous use. There is a predominantly linear built form in the surrounding area. The dwellings to the east and west tend to be set back from the road in rectangular plots with open frontages. The application site is a little different in its shape. It extends sideways along the frontage and is not as deep as others in the locality.
- 5.12 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.”
- 5.13 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.
- 5.14 The National Planning Policy Framework supports this approach and, at paragraph 64, 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 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- “Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”
- 5.15 The proposed dwelling re uses the existing building and adds a 4 meter extension to the length of the building. The roof of the extension is to be constructed using a flat roof. The property is a single storey building which would offer a three bedroomed dwelling. The design of the building is of a simple appearance and would not look out of character with the surrounding area. The extension to the rear is not highly visible from any public viewpoint

and is built in a discreet way but also in a practical way to ensure that there is adequate living space within the proposed dwelling. It is therefore considered that the proposed design meets the requirement of Policy DP32.

#### Residential Amenity

- 5.16 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.17 The proposed dwelling is sited a generous distance from the nearest neighbouring property. Considering the existing lawful use of the site, it is considered that the proposal will result in a reduced impact on residential amenity in the vicinity of the application site.
- 5.18 In the previous application on the site which was refused in reference 17/02126/FUL one of the reasons for refusal was the following:

“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.”

However, on the adjacent site, outline planning permission was granted with all matters reserved for 5 dwellings (Reference: 17/00442/OUT) where subject to a Section 106 agreement being signed, all waste materials are to be removed from the site. It is considered that an adequate level of amenity would be provided to the proposed dwelling.

- 5.19 Contamination reports have not been submitted in support of this application. However, reports were submitted on previous schemes which give no reason to resist the development of the site for housing. However, since this is a separate planning application appropriate conditions are recommended to ensure that an appropriate remediation strategy is implemented on the site, if necessary.

#### Highway Safety

- 5.20 The proposed use would generate less traffic than the existing lawful use and the Highway Authority has raised no comments in regard to the application. It is considered that the proposed development will have no detrimental impact on highway safety.

#### Size of Dwelling

- 5.21 Under Policy CP8 of the Local Plan it requires proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. This is further backed up by the Technical Housing Standards published by the Communities of Local Government in March 2015.
- 5.22 The proposed property is a single storey property which is two bedroomed and would have the capacity to accommodate four people. The building has allocated space for storage, and has an ample space for a kitchen/lounge area. The Guidance states that for a 4 person, 2 bedroomed property the building should be a minimum 70sqm<sup>2</sup>. The proposal is 77sqm<sup>2</sup> and therefore meets Nationally described space standards and is compliant with Policy CP8 of the Local Development Framework.

## Planning Balance

- 5.23 The site was previously granted permission under Class J of the permitted development Order. However, the addition of an extension through the course of development of the site, has resulted in the development no longer being lawful. It is considered that the site is in a sustainable location and the proposed development is considered to accord with the requirements of the Interim Guidance. The development is considered to provide a suitable level of amenity and is not considered to be harmful to residential amenity or highway safety.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. No development shall commence until a Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
  2. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site inspection and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary an updated Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs.
  3. The development hereby approved shall not be occupied or brought into use until a verification report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
  4. 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: (i) vehicular parking and turning arrangements.
  5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 4 above, 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.
  6. The permission hereby granted shall not be undertaken other than in complete accordance with the Existing and Proposed Plans and Elevations (Drawing Number: 001) received by the Local Planning Authority on the 19 March 2019 and Location Plan received by the Local Planning Authority on the 19 February 2019.

The reasons are:

1. 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
2. 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

3. 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
4. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development
5. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development
6. 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

#### 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.