

**Parish: Low Worsall**  
Ward: Appleton Wiske & Smeatons  
**4**

Committee Date: 25 April 2019  
Officer dealing: Ms Aisling O'Driscoll  
Target Date: 21 December 2018  
Date of extension of time (if agreed):

**18/02278/FUL**

**Part demolition of existing workshop buildings, conversion of workshop building and construction of two buildings to create six dwellings  
At Ship Service Station, Low Worsall  
For Chris Richardson**

The application is referred to Planning Committee as the proposed development is considered to be a Departure from the Development Plan.

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is located in the village of Low Worsall, which is at the northern edge of the District close to the boundary with the Borough of Stockton-on-Tees. It currently accommodates the Ship Service Station (closed), which is a two storey building located a short distance away from the main built form of the village. There are no development limits in Low Worsall and the application site sits amongst a small cluster of development, which includes the Ship Inn public house and All Saints Church. These all front onto the B1264, which links to the town of Yarm to the east.
- 1.2 The service station included commercial facilities at ground floor level, with a large garage workshop to the rear and accommodation at first floor level. There is also a single storey wing to the east with further service station facilities and a first floor storage area. It is understood that the business is no longer in use. An appeal was allowed (APP/G2713/W/16/3155789) to extend and alter the eastern part of the building to form a dwelling. Application 16/02765/FUL allowed the conversion of the ground floor area of the garage to additional living accommodation.
- 1.3 There are vehicular access and parking facilities to the front of the site, with a large area of hardstanding. There is a covered access between the two parts of the building to the rear, where there is a further parking area.
- 1.4 This application is for the part demolition and conversion of the existing buildings and construction of new buildings to form a total of six dwellings (inclusive of existing units, noting that it appears that the earlier permissions have not been implemented).
- 1.5 Amended details have been secured as follows:
  - Altered design to remove front dormers, reducing the perception of three storeys; and
  - Altered layout to include front parking area for delivery and waste collection vehicles.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 13/00912/FUL - Demolition of garage buildings and alterations and extension to dwelling to form an annex; Granted 26 March 2013.
- 2.2 15/01306/MRC - Removal of occupancy restriction (to allow an annex to be used as an independent dwelling); Granted 12 October 2015.

- 2.3 16/00556/FUL - Extensions and alterations to garage buildings to form a dwelling; Refused 24 June 2016, appeal allowed 21 November 2016.
- 2.4 16/02765/FUL - Change of use of former commercial garage to additional residential accommodation; Granted 8 June 2017.

### **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  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies 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  
National Planning Policy Framework – February 2019

### **4.0 CONSULTATIONS**

- 4.1 High and low Worrall Parish Council - Supports the application.
- 4.2 Highway Authority – No Objection subject to conditions.
- 4.3 Environmental Health Officer – Recommends further investigation of land contamination to be secured by condition
- 4.4 Northumbrian Water – Recommends that the drainage strategy be developed using the sustainable drainage hierarchy.
- 4.5 Public comments – Seven representations have been received raising the following issues:
- Increased traffic and safety issues
  - The design of the properties is not in keeping with the area
  - The proposal is too large

### **5.0 ANALYSIS**

- 5.1 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, applying all relevant Development Plan policies, and considering all other policy and guidance (including the NPPF and PPG) and all other material planning considerations, including representations received, it is considered that the main planning considerations raised in relation to the determination of this application are as follows:
- The principle of development
  - Design and impact on the locality and Heritage assets
  - Highway safety, access and car parking

- Residential amenity including contaminated land

#### Principle of development

- 5.2 Through the applications listed above the use of the site and the buildings is able to change exclusively to residential without a further grant of planning permission. The site is, in lawfully made up of two dwellings at present. The application is to form a total of six dwellings, a net gain of four. The principle of residential use has already been established and consequently the increased number of units falling within the same/similar footprint to the existing structures is considered to be acceptable.
- 5.3 Policy CP4 states that outside of development limits applications will be supported where existing buildings are to be re-used without substantial reconstruction or alteration and would help support a sustainable rural economy or help to meet a locally identified need for affordable housing. Paragraph 79 c) and d) of the NPPF indicate that development should be supported where it would re-use redundant or disused buildings and enhance its immediate setting; or the development would involve the subdivision of an existing residential dwelling. The proposed development meets only the first part of Policy CP4, however, would comply with paragraph 79 of the NPPF.
- 5.4 In 2015 the Council adopted Interim Policy Guidance which reflected an update in the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. Within the updated hierarchy Low Worsall is designated an "other settlement".
- 5.5 The NPPF states, in paragraph 79, "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". The proposed dwelling would be attached to existing development and within the wider framework of the existing village. It is therefore not considered to be isolated within the meaning of the NPPF and would be supported by it, subject to other relevant policy considerations.
- 5.6 The Interim Policy Guidance 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.
- 5.7 It has been established, through the earlier appeal that Low Worsall is considered to be a sustainable location and given the footprint of the existing and proposed

developments, the proposals are reasonably considered to accord with Criterion 1 of the Guidance.

- 5.8 Owing to the footprint of the existing buildings on the site, there is no requirement for affordable housing in this instance.

#### Heritage assets

- 5.9 The adjoining site to the east comprises the grounds of All Saints Church, a Grade II listed building. Council records indicate that the application site was first developed in the 1960s and extended in the 1980s. All Saints Church dates from 1894. As the application site is already developed it is considered that the redevelopment of the existing buildings would not have a significant impact on the setting of the neighbouring listed building. In contrast it is considered that the alterations proposed would result in an improvement of the immediate setting.

#### Design and Impact on the locality

- 5.10 Given the development sits within the footprint of the former buildings, it is considered that there is no additional impact on the open character of the surrounding countryside and the proposed development is generally considered to fit within the physical form of the village and as such complies with Criteria 2 and 4 of the interim guidance.
- 5.11 The existing buildings were constructed in a variety of materials including red brick, render and corrugated metal sheeting. The character of the site is relatively austere and commercial in character and is considered to be somewhat unsightly. The existing development is considered to be harmful to the setting of the Grade II listed All Saints Church.
- 5.12 Originally the proposal included dormer windows on the front roof slope. It was considered, that these gave the dwellings the appearance of three-storey townhouses, uncharacteristic of the area. In response the applicant amended the design omitting these features.
- 5.13 The proposal is to render over the existing brickwork of the western building. To the eastern side one dwelling is to be finished in brick and the end dwelling in render. Timber sash windows with artificial stone sills are proposed. The proposed materials are indicative of the area and are considered to be acceptable.
- 5.14 Given the poor quality of the existing structures it is considered that the proposed development constitutes an improvement on the visual amenity of the area and the proposal is considered to comply with the requirements of Development Policy DP32 and the requirements of the Interim Policy Guidance.

#### Highway safety, access and car parking

- 5.15 The Highway Authority raised some concern over visibility splays and the ability of delivery vehicles, etc. to identify that the parking is located to the rear of the site. In response to this the applicant provided a revised layout which includes parking to the front of the site for delivery and waste collection vehicles. The Highway Authority acknowledge that the proposal would result in decreased use of the access. No objection has been raised, however, conditions are recommended relating to discharge of surface water, closing of existing access, provision of off site highways improvements, details of tactile paving, access, manoeuvring and turning arrangements, precautions to prevent mud on the highway and construction management.

### Residential amenity

- 5.16 The application site is approximately 80m from the nearest neighbouring dwelling. It is considered, therefore that the proposal will not have a significant impact on local residential amenity.
- 5.17 The proposed units meet the national and local space standards with a minor exception; one of the units does not have the required built in storage space. The unit is approximately 40m<sup>2</sup> larger than what is required and it is therefore considered that there would sufficient opportunity for future occupants to create storage within the unit. Each unit has acceptable parking and amenity space.
- 5.18 The proximity to the Ship Inn public house has been taken into account as there is a possibility for disturbance through music etc. It is considered, however, that the application site is already in residential use and therefore this is not thought to be a reasonable reason for refusal of planning permission.

### Environmental Health

- 5.19 A Phase I desktop study was submitted in support of the application, examining the potential for the site to be contaminated. This was reviewed by the Council's Environmental Health Officer who recommended further investigation. Given the former use of the site as a garage it is recommended that any necessary mitigation to protect the amenity of future occupiers of the development is secured by condition.

### Planning Balance

- 5.20 The application is for the redevelopment of a previously developed site to provide six dwellings. The site is outside of Development Limits however there is policy support in the NPPF for the re-use of redundant buildings and the sub-division of existing dwellings. And the proposal is considered to meet the requirements of the IPG. In addition the site has already been considered as sustainable by the Planning Inspectorate. No major issues have been identified with regard to highways, drainage or amenity. It is considered, therefore, that the proposal is acceptable.

## **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 1869/PL/03 A, 1869/PL/05 A and 1869/PL/06 A received by Hambleton District Council on 4th February 2019 unless otherwise approved in writing by the Local Planning Authority.
  3. Prior to the occupation of the dwellings, hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed species and number of plants and trees and outline the method and timing for implementation. Thereafter the scheme shall be implemented in accordance with the approved details. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
  4. (1) The following land contamination investigation, remediation and verification conditions must be addressed sequentially.

The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs (see Notes for Applicant CL2 and CL4).

(2) No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL2).

(3) No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required (see Note for Applicant CL4).

(4) No further development shall commence until the approved remediation scheme has been implemented.

(5) In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL5).

5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
6. No part of the development shall be brought into use until the existing eastern-most access on to the B1264 has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority (see Notes for Applicant HC-09).
7. 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:
  - (i) 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 in consultation with the Local Highway Authority:
    - Provision of an amended/upgraded/improved footway along the frontage of the site, as shown on drawing number 1869/PL/03 'O'.
  - (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

8. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway 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 7  
 Provision of an amended/upgraded/improved footway along the frontage of the site, as shown on drawing number 1869/PL/03 'O'. (See Notes for Applicant HC-12)
9. 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) tactile paving;
  - (ii) vehicular and pedestrian accesses; and
  - (iii) vehicular manoeuvring and turning arrangements. (See Notes for Applicant HC-14)
10. No part of the development shall be brought into use until the approved vehicle access, manoeuvring and turning areas approved under condition number 9 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.
11. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing, drawing number 1869/PL/03 'O'. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
13. 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:
  - (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
  - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site; and
  - (iii) the approved areas shall be kept available for their intended use at all times that construction works are in operation. (See notes for Applicant HC-19)

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.
3. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Hambleton District Wide Local Plan L14.
4. To ensure safe development of the site and to protect human health and the environment.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. To ensure that the details are satisfactory, in the interests of the safety and convenience of highway users.
8. In the interests of the safety and convenience of highway users.
9. To ensure appropriate on-site facilities, in the interests of highway safety and the general amenity of the development.
10. To provide for appropriate on-site vehicle facilities, in the interests of highway safety and the general amenity of the development.
11. To provide for adequate and satisfactory provision of off-street accommodation for vehicles, in the interests of safety and the general amenity of the development.
12. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.
13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

#### Informatives

1. CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites - Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2018.
2. CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017. Remediation Strategies should include an options appraisal,

objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

3. CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 (YALPAG 2017), and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.
4. 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
5. HC-09 - These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.
6. HC-12 - There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
7. HC-14 - The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide', available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).
8. HC-19 - Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.