

**Parish: Stokesley**  
Ward: Stokesley  
**10**

Committee date: 14 November 2019  
Officer dealing: Ms A O'Driscoll  
Target date: 29 November 2019

**18/02019/FUL**

**Demolition of house and associated buildings; change of use of land and the construction of a Care Home (Use Class C2), together with change of use of land to include a service yard and refuse area, associated landscaping and car parking**

**At Mill Riggs Farm, Stokesley**

**For Applicant Stokesley Care Limited**

**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 application site is located outside of the Stokesley development limits on the east side of the A172 and to the north of the river Leven. The site comprises approximately 0.78Ha of land and was most recently used as a farm with a shop and residential dwelling.
- 1.2 The site is currently occupied by the main dwelling, farm shop building, small stable and various outbuildings. The site is well screened from the road frontage by trees and mature hedgerow.
- 1.3 To the west of the site is the A172 and then the main built up area of the Stokesley settlement. To the North there is open agricultural land, beyond which is Strikes garden centre site which is currently undergoing reconstruction after a fire. To the south and east is agricultural land considered to be open countryside.
- 1.4 The proposal is for the demolition of the existing buildings and the construction of a 64 bedroom care home for the elderly with associated landscaping and parking. The applicant states that the care home is to cater for the frail elderly, dementia care and nursing and palliative end of life care. A Section 106 agreement would be required controlling occupancy, should the scheme be approved.

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

- 2.1 14/00072/FUL - Demolition of existing buildings and erection of a food store (Class A1), petrol filling station and car wash, with associated car parking, servicing, highway works including roundabout on A172, access road and footways, and hard and soft landscaping – WITHDRAWN
- 2.2 04/02304/FUL - Single storey extension to existing dwelling – PERMITTED
- 2.3 00/51528/P - Extension to existing dwelling as amended by plans as received by Hambleton District Council on 15th June 2000 – PERMITTED
- 2.4 94/51256/P - Construction of a building to comprise a farm shop with stores and a domestic garage - PERMITTED

- 2.5 93/1118/FUL - Alterations and Extension to Existing Dwellinghouse – PERMITTED
- 2.6 92/1012/FUL - Alteration to Existing Vehicular Access – PERMITTED
- 2.7 92/1427/FUL - Construction of an Agricultural Storage Building
- 2.8 77/0929/OUT - Outline Application for the Construction of a Dwellinghouse – REFUSED
- 2.9 74/0871/FUL - Provision of a Residential Caravan - PERMITTED

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 - Access  
 Core Strategy Policy CP3 - Community assets  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP9 - Affordable housing  
 Core Strategy Policy CP13 - Market towns regeneration  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP18 - Prudent use of natural resources  
 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 DP5 - Community facilities  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP8 - Development Limits  
 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 DP15 - Promoting and maintaining affordable housing  
 Development Policies DP28 - Conservation  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP34 - Sustainable energy  
 Development Policies DP39 - Recreational links  
 Affordable Housing - Supplementary Planning Guidance - June 2008  
 Hambleton Biodiversity Action Plan  
 Conservation Area Appraisal Stokesley Supplementary Planning Document - adopted 21 December 2010  
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
 National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Town Council - Members agreed that there is a requirement for such a development in Stokesley and that this would be a valuable asset to the Town and neighbouring villages. However, they are concerned that this development falls outside the current

development limit and this is something they have always been vocal about when considering other planning applications. They therefore would like reassurance that this development has gone through the appropriate sequential testing and that there is not a better site for this development.

Members were also concerned about the proposed roof size and design and would like to see the development more in keeping with the character of Stokesley. In addition, the height of the development should be reviewed to ensure that the view from Stokesley to the hills remains, i.e. the Vista remains.

If the development is approved, members ask that the following conditions be included:

- The screening must remain;
- The footpaths between the development and the Town must be improved;
- A transport statement must be included;
- Pedestrian refuge must be considered.

4.2 Highways Authority - On request the applicant provided additional information regarding to highways. The Highways Authority subsequently recommended refusal on the following grounds:

- The Planning Authority considers that the proposed traffic island on the A172 would be contrary to national advice on the location of such features and would place pedestrians in a vulnerable position on a classified road where vehicle speeds are high with a consequent danger to highway users.
- The Planning Authority considers that the absence of a direct and desirable pedestrian route would result in journeys on foot exceeding the accepted standards and would thus result in a reliance on car journeys including single occupancy trips. This reliance on car journeys is contrary to the advice contained in NPPF which supports developments being sited where sustainable journeys on foot are achievable.
- The proposed development would give rise to additional vehicles waiting in the carriageway and leaving and re-joining the traffic stream on an open stretch of road where vehicle speeds are high, and thus would interfere with the free flow of traffic and consequent danger to highway users.

The applicant subsequently supplied additional information and research leading to the proposal to provide a shuttle bus between the site and the town centre to improve connectivity. The Highways Authority consequently withdrew their objections to the proposed development.

4.3 Environmental Health (Contaminated Land) – Agreed with the submitted assessment and recommends conditions relating to contamination investigation, remediation and verification.

4.4 Natural England – No Comments

4.5 Yorkshire Water – No Comment

4.6 Yorkshire Wildlife Trust – The recommendations contained in the Preliminary Ecological Appraisal be included as conditions of the permission.

- 4.7 North Yorkshire Local Access Forum: Site is on the wrong side of the Stokesley bypass and lacks connectivity. Concerns over under provision of parking and cycle storage
- 4.8 Public Comments – 20 letters of representation were received, 14 in support and 6 in objection to the application.

Letters of support raised the following points:

- No similar facility in the area
- Ability of local elderly residents to remain in the area
- Site is close to town with easy access
- Create additional employment

Letters of objection raised the following points:

- Flooding issues
- The site is on the wrong side of the bypass which is high speed.
- The site is not allocated for development in the plan
- A pedestrian crossing would be dangerous
- Not enough parking proposed
- Change of use of land on east side of A172 would set a precedent for other development
- Impact on the landscape
- Other more suitable sites are available

## 5.0 OBSERVATIONS

- 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:

- i) Principle of development; ii) Proposed use and demonstration of need; iii) Highways impacts; iv) Impact on the wider landscape character; v) Design; vi) Drainage; vii) Impact on biodiversity and; viii) Land Contamination

### Principle of development

- 5.2 The application site lies outside the Development Limits of Stokesley, which is defined in Policy CP4 of the Core Strategy as a Service Centre. Policy DP9 states “Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Core Policy CP4”. Core Strategy Policy CP4 states that outside of development limits proposals: “will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2”. CP4 allows for an exceptional case where the development would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy. Development in this location therefore will only be supported if it can be demonstrated that the scheme is necessary to meet local needs and will not result in a harmful impact on

the character of the countryside that forms the setting of the Town. However, if this need can be proven then an exceptional case can be made under Policy CP4.

#### Use/Need

- 5.3 The applicant has submitted an analysis of the need for this type of development in the area. As Stokesley is considered a service centre within the Council's hierarchy of settlements the catchment area for the analysis was based on the area which Stokesley serves. The report found that the local catchment is one where affluence is strong and the age profile is far older than typical. It was also found that, within the catchment area there are currently no elderly care homes providing the type of care proposed.
- 5.4 In addition to this North Yorkshire County Council as Social Care provider, were consulted with regard to care home need. However, the County Council advised that they do not currently have specific need/demand information relating to residential/nursing care.
- 5.5 However, the County Council also advised, in terms of need/demand that there are currently no care homes located in the area that Stokesley provides for. Currently the closest care homes are located in Middlesbrough. There is an extra care housing scheme located at Town Close in Stokesley (40 units) and planning permission has also been recently granted by HDC for a further extra care scheme to be developed in Great Ayton (69 units). The County Councils preferred model of accommodation with care is extra care housing but where new residential/nursing care home is being proposed then the preference is that such provision would need to support people with higher/more complex needs as is the case in this application.
- 5.6 It appears clear that there is a need for this type of provision within the sub-area. However, it is not wholly clear what the level of need is and as a consequence it is considered difficult to reconcile the level of need against the level of proposed provision. It is considered that given the proposed development will cater for customers with more complex needs including dementia and end of life care the applicant has reasonably demonstrated that there is a local need for this type of care but it remains unclear as to the level of that need in the locality.
- 5.7 In terms of sequential testing the applicant has submitted a list of alternative sites and reasons why they are not suitable. Much of this is related to the cost of alternative sites, insufficient space to accommodate the proposal and unavailability of the sites. In addition to this the applicant has argued that the location of many of the sites, closer to the town centre, does not fit with the business proposal which centres on peaceful out of town care for the frail elderly.

#### Highways Impact

- 5.8 During the life of the application the Highways Authority requested that further information be provided relating to parking, public transport and pedestrian access to the site. Further information was subsequently provided by the applicant.
- 5.9 The Highways Authority has provided substantial commentary which is available on the public file. In summary the Highways Authority found that a pedestrian refuge island would have implications for highways safety given the speed limit of 60 miles per hour and that the road is unlit.
- 5.10 In addition to this the walking distances to bus stops are longer than the 'acceptable' distance recommended in the "Guidelines for Providing Journeys on Foot". Even if a footway link were provided sustainable walking distances would be exceeded and as

such it was considered that the site was not reasonably connected by sustainable modes of transport.

The highways Authority recommended refusal for the following reasons:

- The Planning Authority considers that the proposed traffic island on the A172 would be contrary to national advice on the location of such features and would place pedestrians in a vulnerable position on a classified road where vehicle speeds are high with a consequent danger to highway users.
- The Planning Authority considers that the absence of a direct and desirable pedestrian route would result in journeys on foot exceeding the accepted standards and would thus result in a reliance on car journeys including single occupancy trips. This reliance on car journeys is contrary to the advice contained in NPPF which supports developments being sited where sustainable journeys on foot are achievable.
- The proposed development would give rise to additional vehicles waiting in the carriageway and leaving and re-joining the traffic stream on an open stretch of road where vehicle speeds are high, and thus would interfere with the free flow of traffic and consequent danger to highway users.

5.11 In order to overcome these issues research was sought into the viability of providing a pedestrian crossing or refuge on the A172. A Road Safety Audit was conducted by NYCC Highways which concluded that ***“the ‘Do Nothing’ option is the most relevant for this location at present”***, being based upon current traffic flow and pedestrian usage across the A172 and highway design standards. The report, however, detailed a number of options including the provision of a formalised crossing.

5.12 The applicant subsequently sought a recommendation of approval subject to a condition requiring the provision of a safe crossing point. The Local Highway Authority disagreed with this on the premise that, given the complexity and variables involved, there would be no guarantee that an acceptable design solution could be achieved and as such it may not be possible to implement a consent on this basis.

5.13 In response to this the applicant provided an alternative solution in the form of a shuttle bus. This was backed up by research undertaken by Age UK which found that in this case, only 26 residents of the proposed care home would receive visitors at all. Of these 8 would get more than one visitor a week, 11 one only a week and 7 would get one a month.

5.14 This shuttle bus service would pick up at the high street car park and drive (3 minutes) around to Mill Riggs to tie in with the local bus services. The following timetable has been suggested:

1. Pick up for staff at 7.45am from High Street to Mill Riggs
2. Pick up from High Street to Mill Riggs at 11 am (visitors)
3. Return from Mill Riggs to High Street at 12pm (visitors)
4. Pick up at 12.15 from High Street to Mill Riggs (staff)
5. Pick up at High Street at 2.30pm to Mill Riggs (visitors)
6. Return from Mill Riggs to High Street at 3.45pm (visitors)
7. Pick up at 4pm from High Street to Mill Riggs (staff)
8. Pick up at 6.30 pm from High Street to Mill Riggs (visitors)
9. Return from Mill Riggs to High Street at 7.30pm (visitors)

Note, staff on late shift would travel home by private taxi or car

5.15 The Highways Officer notes that the provision of a mini bus service reduces the risk to pedestrian safety and therefore has withdrawn the formal objection to the proposal. The Highways Officer notes, that a crossing facility may still be provided at a later date as part of the Endeavour Way project (public right of way/cycleway between Stokesley and Great Ayton). The applicant may wish to enter into an agreement to provide funding towards the provision of a crossing should a suitable design be achieved and therefore remove the need for the shuttle bus.

5.16 The Highways Officer is now satisfied that the development is acceptable subject to conditions relating to detailed plans, construction requirements, use of existing access, discharge of surface water, visibility splays, works in the highway, details of access turning and parking, travel plans and a construction management plan.

5.17 Whilst the solution put forward is supported by the Highway Authority, Development Policy DP3 sets out the Council's policy position with regard to Site Accessibility and states:

All proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.

Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate:

- i) Footpaths, cycleways, safe provision for cycle parking and cycle shelters;
- ii) Bus stops/shelters and transport information;
- iii) Support for sustainable forms of transport (eg community transport schemes)
- iv) Preparation and implementation of Travel Plans
- v) Minimum levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport.

5.18 It is clear that whilst the applicant has sought to address the issue of sustainable transport through the provision of the shuttle bus, the development is unable to provide for the range of sustainable transport connections that one would expect for a development such as that proposed. The Local Access Forum has further highlighted the lack of pedestrian access between the site and the Town Centre.

5.19 In conclusion it is considered that whilst the development will not result in a harmful impact on highway safety and the applicant has sought to address sustainable transport concerns. The location of the site is not a sustainable from a transport perspective, being too far from local services and lacking in footpath connections. On balance, the location of the site that is separated from the town is considered to weigh against the proposals from this perspective. The proposal fails the requirements of LDF policies CP2, DP3 and DP4.

#### Impact on the wider landscape

5.20 The application site currently houses a number of buildings including a two storey dwelling and various outbuildings. Whilst these are visible from the front of the site, they are small in scale and fit with the rural character of the area.

5.21 In support of the application a Landscape Impact Assessment was submitted. The assessment concludes that the impact on the local landscape character area is "considered to be slight, with a moderate/minor effect which is considered to be not significant." In addition the report found that "In relation to the visual amenity, six representative viewpoint locations were assessed from nearby residential properties, public rights of way and local highways. Significant effects on local visual amenity were found not to be present". "In relation to potential cumulative effects of the site

development on landscape character and visual amenity, none were considered to be present”.

- 5.22 The applicant argues that the site is well screened by hedging measuring 3-4 metres in height, reducing the visual impact of the development. Whilst the frontage of the proposed building measures approximately 76 metres, the applicant argues that a large portion of this, (approximately 31 metres) is stepped back from the rest of the building by approximately 11 metres. The proposed building would therefore be located between 33 and 45 metres from the front of the site. Despite this there is concern over the visual impact of this increased scale of development in what is open countryside.
- 5.23 In terms of landscape, the question is whether or not development to the east of the A172 is considered to be harmful to the character and form of Stokesley or to the character and appearance of the open countryside around the town.
- 5.24 Travelling north along the A172 from the roundabout that forms the junction of the A172 with the A173 and B1257, one travels between agricultural fields, the area to the west of the road being the Stokesley Showfield and to the east open countryside. Views to the east at this point are extensive over open countryside toward the edge of the Cleveland Hills.
- 5.25 Continuing north, the more built up part of the town is noted to the west of the road, albeit the backs of houses on Roseberry Avenue and Meadowfield. The character remains largely rural, with fields predominating to the east and glimpse views of the open countryside beyond. Views to the east are more confined due to the height of the hedge, in particular that along the frontage of the proposed development.
- 5.26 On approach to the roundabout junction of the A172 and the B1365 the character is dominated by the roundabout and a garden centre. However, the character remains predominantly rural. The development to the south is separated from the road by a wide grass verge, hawthorn hedge and a wide grassed area adjacent to Ashwood Drive and Cedarwood Avenue.
- 5.27 There is sporadic development around the edge of Stokesley but this is relatively low key, mainly agricultural and is not considered to erode the rural setting of the town. As a result the A172 and B1365 form a strong separation in terms of landscape character, between the urban form of the town and the rural character of the countryside surrounding the town.
- 5.28 The proposed development introduces a large block of development, alien in character and form, to the type of development expected to be found in the open landscape, noting that the site in itself is previously developed land.
- 5.29 In conclusion, the proposed development by virtue of its scale and form is considered to have a harmful impact on the character and appearance of the landscape surrounding Stokesley and as such this is considered to weigh against the proposed development.

### Design

- 5.30 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.”

- 5.31 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.
- 5.32 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.
- 5.33 Stokesley is dominated by three storey Georgian and Victorian commercial buildings set mostly at the back of the pavement on narrow plots. Domestic buildings tend to be of a relatively simple form reflecting the pitched roofs of the larger commercial properties. Chimneys are prevalent, usually set on party walls or gable ends of properties. Dormers remain rare and varied in style and few buildings have hipped roofs. Other details used throughout the town include the small windows set close below low eaves on smaller vernacular cottages, carved stone kneelers at the bottom of gables where the roof is finished with a raised weathered course detail and the use of stone quoins. Stokesley is principally a town of brick buildings with rendered properties playing an important secondary role in the streetscape. Stone is much less used but is employed on important properties and serves to highlight individual buildings.
- 5.34 The existing buildings on the site are indicative of the form and style of sporadic development found in the countryside surrounding Stokesley. A small collection of relatively low rise, brick built buildings loosely orientated around a yard area, mainly in an agricultural form / use.
- 5.35 Much of the design of the proposed building focusses on the future occupants with roof terraces, balconies and external gardens providing views to the countryside. The form of the building has also been influenced by the internal layout which aims to provide accommodation that moves away from hospital type layouts and provide better visual aspects for residents.
- 5.36 The proposed building is to be two storey in height, constructed using rough dressed stone, slate, render and timber boarding.
- 5.37 The design is largely dictated by use, although heights have been kept to the minimum required to allow for the proposed use, including additional floor to ceiling heights to allow the incorporation of hoists as required. Given the proposed use, the design of the building is considered generally acceptable should the principle of the use be considered acceptable. However, concern must still be expressed with regard to the location of the development and the impact of the development on the landscape setting of Stokesley.

#### Drainage

- 5.38 Yorkshire Water were consulted during the life of the application and the following response was received: "Application details have been reviewed and based on the information submitted Foul water only to public sewer and surface water to soakaway – as indicated on proposed site plan), no observation comments are required from Yorkshire Water".

#### Impact on biodiversity

- 5.39 In support of the application an Ecological Appraisal was submitted. Yorkshire Wildlife Trust advises that the recommendations of this report be included as a

condition of any approval. The recommendations relate to retention of trees and hedgerows where possible, planting of native trees, addition of new hedgerows and the provision of nesting areas for birds and bats. Natural England had no comments to make on the application. It is therefore recommended that should the application be approved the above recommendations are secured by condition.

#### Land Contamination

- 5.40 The Council's Environmental Health Officer agrees with the submitted assessment and recommends conditions relating to contamination investigation, remediation and verification. These are standard conditions to ensure that any contamination found during the development is dealt with appropriately.

#### Planning Balance

- 5.41 The application site is outside of the defined development limits and therefore permission should only be granted if it can be demonstrated that the scheme is necessary to meet local needs and will not result in a harmful impact on the character of the countryside that forms the setting of the Town. It is considered that the applicant has reasonably demonstrated that there is a need for this type of development in the area, albeit only due to the complex needs that the proposed development would cater for. The applicant argues that the proposed location suits their need in terms of providing a tranquil environment for patients who can find the bustle of a settlement location confusing and distressing.
- 5.42 It is clear that there are other sites within the Stokesley settlement that could cater for a care home of this type (should they become available and affordable), however, an alternative site specific design would be required and the applicant considers that the general amenity offered (in terms of peaceful surroundings, gardening therapy etc) would be reduced. Officers do not wholly accept this position and consider that alternative sites including allocated housing sites, could accommodate this type of accommodation, although no sites were identified as available at the time the application was submitted.
- 5.43 There remains concern over the visual impact of the development in terms of its scale and form. On balance it is considered that the need for this type of specialist service does not outweigh the harm to the landscape character of the area and that an exceptional case has not been made. As such the proposal is recommended for refusal.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. It is considered that the location of the site is not a sustainable location from a transport perspective, being too far from local services and lacking in footpath connections. The poor location is not considered to be suitably mitigated by the proposed shuttlebus. The proposal fails the requirements of LDF policies CP2, DP3 and DP4.

2. The proposed development by virtue of its scale and form, located in open countryside on the edge of Stokesley, is considered to have a harmful impact on the character of the countryside forming the setting of the town. The proposed development is considered to fail to accord with the requirements of LDF policies CP16 and DP30.

3. The proposed development by virtue of its scale, form detailing and use of materials is considered to have a harmful impact on the character of the area and fails to accord with the requirements of LDF policies CP17 and DP32.