

Parish: Kirkby
Ward: Stokesley
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Committee Date: 3 March 2016
Officer dealing: Mrs B Robinson
Target Date: 5 February 2016

15/02246/FUL

**Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building as per amended plans received by Hambleton District Council on 18th December 2015 and 9th February 2016
At: Land and Buildings at rear of Kirkby House Farm, Hill Road, Kirkby in Cleveland
For: Mr & Mrs Rowland Holmes-Smith**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies behind frontage properties on the east side of Hill Road, approximately 70m south of the village crossroads. The site is accessed by a concrete road, approximately 5 metres wide, between the gable ends of Kirkby House Farm (dwelling) and Heather House. The site lies just outside the south east extent of the Kirkby in Cleveland Conservation Area.

1.2 The site includes a farm yard. The farm yard includes 3 large agricultural sheds, a timber single storey building, and a pair of brick stable buildings. Agricultural use appears to have ceased. To the east of the farm yard, the wider site includes agricultural land extending to a beck. The total site area is stated to be 2.07ha, of which the farmyard is 0.46ha. The surroundings include residential property fronting Hill Road and Kirkby Road. A public right of way runs through the site from an access point on the south side of the existing farm buildings.

1.3 The main proposal is a development of 5 houses, in the existing farmyard area. The buildings include two detached houses on the south side of the access road (Farmhouse and Barn 1), and on the north side of the road a group of 3 houses, including one open market house (Barn 2) and two proposed affordable houses (Barn 3, dwellings 1 and 2).

1.4 The proposed houses are designed with the general character of traditional buildings. 'The Farmhouse' is two storey, detached, with rear wing forming an L shape. It has a double front form, with a timber door case, eaves formed low over the first floor windows, traditional water tabling at the roof edge and 2 chimneys.

'Barn 1' is detached, two storey, with a longitudinal form, water tabling and no chimneys. It has a lower ridge at one end. The design includes features typical of a former agricultural building, including external steps on the east elevation.

'Barn 2' is single storey with a transverse 2 storey element projecting forward, and has features similar to Barn 2.

'Barn 3' is single storey and forms two x 2 bedroom dwellings, with hipped roof at the outer end.

The proposed materials are brick and/or herringbone faced stone, roofing is clay pantiles and/or slate. Windows are timber aluminium or pvc –details to be confirmed

The proposal includes a hipped roof treble garage with the Farmhouse, double garage and (store) to Barn 1 and attached double car port to Barn 2. The two dwellings forming Barn 3 each have a single car port.

- 1.5 The buildings are arranged together to form a loose courtyard arrangement.
- 1.6 The application includes surrounding land, which is intended to be used for keeping of horses.
- 1.7 A stable building, with two stables, tack room and store is proposed at the rear boundary with Ravenscar (which fronts Hill Road). A stable previously proposed at the rear of Otters Hill has been withdrawn from the application.
- 1.8 The application includes an area land to the east of Barn 2, intended for 'allotments' to serve the existing house at Kirkby House, and one of the new houses.
- 1.9 The application includes a proposal to change the use of a strip of land at the rear of Hill Road (properties Heather House, Barn View and Hill View) to domestic use in association with those houses. The strip of land is approximately 5 metres deep. There is a further area of land, not included in the curtilage of the proposed house which has been offered for sale to Rudland house but which has not been taken up. It is to be considered for domestic use at this stage.
- 1.10 The scheme involves the diversion of the public footpath, to take a direct route through the site, via the main access.
- 1.11 'Affordable' housing is proposed in the form of the two single storey dwellings forming Barn 3 and are intended to be offered for sale at a discount to qualifying persons.
- 1.12 The application is submitted with bat survey, transport statement, contamination survey, demolition survey and viability assessment (in relation to affordable housing provision).
- 1.13 Since receipt of the application, the site boundary has been corrected to recognise existing land ownership at neighbouring properties, and a temporary access road is proposed off Hill Road, approximately 200m to the south. The access from Hill road is intended to be retained in modified form to provide access to the south field and stable.
- 1.14 The transport statement proposes changes to the 'give way' line at the junction of Hill Road with Busby Lane to improve visibility to the west (past the pub).
- 1.15 The proposal has been the subject of a public exhibition and discussions with the Parish Council prior to the submission of the application.

2.0 RELEVANT PLANNING HISTORY

- 2.1 10/00095/FUL - Construction of six holiday cottages and change of use of agricultural land to garden; Withdrawn 10 May 2010
- 2.2 10/02927/FUL - Revised application for the construction of six holiday cottages and change of use of agricultural land to domestic garden; Refused 4 February 2011. Appeal dismissed 28 June 2011.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9 - Affordable housing
Development Policies DP15 - Promoting and maintaining affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP39 - Recreational links
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Observations:

- Highway safety – concerns about safety of footpath users on entrance road into site. Object to change to road markers at crossroads – road safety hazard. Loss of existing vehicle parking within the site. Construction vehicles. Surface water will need to be managed to avoid run off into Hill Road.
- Planning application – concerns about precedent, particularly in the large paddocks. The proposed development is on the site of farm buildings and is different from other agricultural land abutting the village limits. The development would not substantially change the built outline of the village.
- Query cumulative total with other new development in relation to Interim Guidance.
- Impact on Underbrow.
- Light pollution.

4.2 Highway Authority – Notes concerns about visibility to Hill Road, northwards in particular. Consideration also given to existing previous and potential uses of the site put forward in the transport assessment and note of views of previous inspector at appeal. Conditions requested.

4.3 NYCC Footpaths - public right of way to be kept clear until such time as any alternative route has been provided and confirmed.

4.2 Northumbrian Water – No response.

4.3 Historic England – recommends that HDC determines the application in accordance with national and local policy guidance and in-house conservation advice.

4.4 Neighbour observations

Objections (summary)

- Houses - Size too large, bungalows preferred, not in character with agricultural buildings. Not in keeping with conservation area
- Location – does not reflect the form of the village – contrary to village design statement
- Amenity – harm to outlook and light. Loss of privacy. Light pollution. Allotments messy – lock up garages would be more beneficial. Storage of bins offensive to near neighbour. Loss of direct access to right of way.
- Traffic – excessive traffic, poor sight lines Hill Road hazardous danger to pedestrians, impact on junction.
- Drainage and services – needs to be sustainable. Query capacity of sewerage system.
- Precedent – development on other land nearby

- Wildlife – owls and bats seen at night.

Support (summary)

- Removal of buildings will enhance village. There were significant issues of noise and smell when in use as farm.
- Design – confidence in the architect . Sympathetic design.
- Outlook – improved (amendments requested)

4.4 Any additional responses to the amended scheme (with construction track) will be reported to the meeting.

5.0 OBSERVATIONS

5.1 Kirkby is a village without status within the hierarchy set out in CP4 as adopted in 2008. In 2015 the Council adopted Interim Policy Guidance which updates the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. The document lists Kirkby as an ‘other’ settlement and Kirkby is included with Great Broughton as an example of close villages which can together form a ‘cluster’ where development in one may support services in the other.

5.2 Accordingly the main consideration is whether the development is in accordance with the criteria of the Interim Guidance, and thereafter whether it is in accordance with any other relevant policies of the local plan including, design (CP17 and DP32), impact on the amenity of nearby occupiers (CP1 and DP1), affordable housing (CP9 and DP15), the implications of the proposed footpath diversion, and any highway safety issues.

Policy

5.2 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:

- Development should be located where it will support local services including services in a village nearby.
- Development must be small in scale, reflecting the existing built form and character of the village.
- Development must not have a detrimental impact on the natural, built and historic environment.
- Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- Development must conform with all other relevant LDF policies.”

5.3 In terms of support for local services, Kirkby has some services, including a pub and is approximately 1 km from Great Broughton which has additional services, including a school which is readily accessible via a paved footway. The proposed development can be considered to support local services.

5.4 The proposal is for five houses, two of which are notably small. Although Kirkby is a small village, five houses is consistent with the suggestion within the Interim Policy Guidance that up to five dwellings may be considered to be small scale. Particularly taking into account the close connection with the larger development nearby, five is considered acceptable in principle.

- 5.5 The form of the village is strongly cruciform, with a central crossroads. The existing farm buildings form a small infill in the south-eastern corner of the crossroads. Given the precedent for development in this location, the scheme retains the essential form of the village.
- 5.5 The character of the village is mixed, with historic buildings in the central core and a suburban spread beyond. The proposed dwellings form a semi-enclosed group based on traditional forms and would maintain the character of the village.
- 5.6 The site lies outside, but in part adjacent to the Conservation Area, and by the use of traditional materials and design features will not be harmful to its historic character.
- 5.6 The effect on the surroundings would be a change of character from large agricultural buildings to domestic buildings and associated activity, and subject to control over boundary treatments the net effect on the surrounding countryside would not be harmful.
- 5.7 A more detailed consideration of the design shows that the proposed dwellings make a successful attempt to suggest a hierarchy of dwellings that might arise from the development of barns and ancillary buildings around a farm house, and with the exception of the twin properties in Barn 3, provides a pleasing variety of unique designs and together with the use of brick and stone materials and clay pantiles will be fitting to the village-edge location.

Neighbour amenity

- 5.8 The proposed houses would be more than 30m from the rear of neighbouring dwellings on Kirkby Lane and with the exception of an intervening garage building, are a similar distance from properties on Hill Road. The north side of the development is mainly single storey with a relatively slim two storey wing facing the boundary between Otters Hill and Bells Garth. Particularly taking into account the distance, the relative height and proximity of the existing buildings, the two storey element is not overbearing and will not result in an unacceptable loss of privacy. The north side and the west side of the proposed development are each set back from the boundary compared with the existing buildings, thus improving outlook generally from nearby houses.

Affordable housing

- 5.9 Affordable housing is not provided through a registered provider. The scheme as most recently amended is intended to provide two dwellings equating to a 40% provision. The dwellings would be subject to a Restrictive Covenant requiring them to be bought and sold at a discount of not less than 35% to open market value in perpetuity. The dwellings would be subject to Planning Conditions or a Section 106 Agreement restricting ownership to persons approved by the District Council or their successor. To be eligible purchaser(s) must have:

- A local connection, in accordance with the Council's published Criteria (currently set out in the Affordable Housing SPD) and
- A household income of less than the median income for the locality and at the time of purchase, the purchaser or their spouse or civil partner must either be:
 - Over 60 years of age, or in medical need of the type of accommodation provided;
 - or
 - In need of affordable housing by virtue of their financial circumstances.

The proposed affordable houses are designed to meet the national size standard for two bedroom/three person dwellings, and do not meet the Council's standard for two

bedroom dwellings (which are intended to meet the needs of up to four people). Due to the form of development and proposed level of provision, it is considered that the size standard is acceptable. Subject to the appropriate control mechanisms to ensure that the proposed restrictions are enforceable, the proposal is considered to achieve the main aims of affordable housing and is acceptable in principle.

Footpath diversion

- 5.10 This would be a reversion to the historic route reportedly diverted in the 1980s to avoid pedestrian traffic through the farm yard. As now proposed it gives a simple direct route to join the eastern continuation of the path and is acceptable in principle.

Highway safety

- 5.11 Highway safety in connection with the exit of the development onto Hill Road is potentially compromised by the limited visibility to the north, which is obscured by the adjacent garden wall. The response of the Highway Authority makes reference to the decision of the Inspector at the appeal in the previous proposal for 6 holiday cottages on the site. The inspector made reference to the 5 metre wide access which was considered adequate for two way traffic and notes in respect to the restricted visibility that Hill Road is not a through road. Relating the situation to that of many rural villages the Inspector did not consider this arrangement unsafe. The Inspector also noted that the access served substantial farm buildings with no evidence that it had not functioned safely in the past.
- 5.12 While there is no agricultural activity at present on the site, and the proposal will thus intensify the present usage, the main consideration of the earlier Inspector was the status of Hill Road, which the Inspector noted that, typically of rural villages, functions as a shared surface. Particularly as the Highway Authority does not resist this line of argument, highway safety is considered adequately addressed. Subject to the outcome of the safety audit required by the proposed highway condition, the works proposed at the cross roads will be a general benefit to highway safety.
- 5.13 With regard to the proposed new access to serve the construction route the views of the Highway Authority are awaited.
- 5.14 However, the overall view is taken that the proposal will not compromise highway safety, and there may be some benefit arising from works to improve visibility at the crossroads. With regard to safety of pedestrians, additional details have been submitted showing clearly the provision of a clear footpath along the access point, defined by surface treatments, with passing place within the site.

Neighbour amenity

- 5.15 The change of use of land to domestic to serve existing house would be of benefit to the local residents concerned without harm to the surroundings or other neighbours. The proposed stable at the rear of Ravenscar is relatively unobtrusive and subject to control over the storage of manure, will not have an unacceptable harmful effect on the amenities of neighbours. The use of the northern and southern paddocks for horse grazing would not of itself require consent, and new buildings which require consent can be controlled as necessary, as they arise. Allotment gardens are to serve two existing properties in close proximity, and do not give rise to concerns about neighbour amenity or additional car parking, as they can be served from the dwellings concerned.
- 5.15 The application includes details of bin storage (including the new recycling bin). As this would be for collection only, there is no reason to suppose that the bins would be

a nuisance to near neighbours. Lighting on houses can be controlled by condition, if necessary.

Ecology

- 5.16 A reasoned risk assessment with regard to bats and owls found no evidence of bat roosting and no evidence of owl activity. There is a minor negative effect in loss of foraging habitat for bats. Mitigation is not required but compensatory measures are proposed in the form of 3 bat roost units in gable walls.

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 01Rev D; 04 Rev D; 05 Rev C; 06 Rev A Farmhouse floor plans; 07 Rev A; 06 Rev A Barn 1 floor plans; 09 Rev A; 10 Rev A; 11 Rev A; 12 Rev B; 13 Rev A; 14 Rev A; 15 Rev A; 16 Rev A; 17 Rev A; 18 Rev B; 20 Rev A; 21Rev A; received by Hambleton District Council on 9 February 2016 unless otherwise approved in writing by the Local Planning Authority.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
 5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition above.
 6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
 7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
 8. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.

9. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
10. No development shall take place until the Public Right of Way diversion has been confirmed.
11. Unless otherwise approved in writing by the Local Planning Authority, the allotment gardens hereby approved shall be used solely for recreational gardening ancillary to the domestic occupation of Kirkby House Farm and/or residents of the dwellings hereby approved and not for any other public or private use.
12. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' there shall be no structures or fencing of any sort erected on the land without the consent in writing of the Local Planning Authority.
13. There shall be no burning of manure on site and no storage of manure except in accordance with a scheme previously approved in writing by the Local Planning Authority.
14. No bins shall be stored on the collection point hereby approved except on the relevant collection day and the day preceding.
15. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
16. 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: a. Build out and alterations to the give way line and other lining in the vicinity of the Hill Road/Kirkby Lane junction; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) 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.
17. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 05 Rev C. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
18. 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.

19. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. wheel washing facilities; e. measures to control the emission of dust and dirt during construction; and f construction access to the site.
20. The houses hereby approved shall not be occupied unless there has been implemented compensatory measures to ensure the conservation status of the local bat population in accordance with the scheme set out in Reasoned risk assessment for bats and barn owls dated September 2015 by Barrett Environmental Ltd received by Hambleton District Council 7 October 2015.
21. [Affordable Housing conditions TBC]

The reasons for the above conditions 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 Policies CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy.
9. To ensure that the development is appropriate to the amenities of the surroundings in accordance with Local Development Framework Policy CP1 and DP1.

10. To ensure that the reasonable enjoyment of the use of the public right of way which crosses the land of the application site is not harmed by commencement of development in accordance with the Local Development Framework Policies CP19 and DP39.
11. To enable the local planning authority to assess the impact of any alternative use, in accordance with the policies of the local plan.
12. In the interests of the open character of the countryside, and the amenities of neighbouring occupiers in accordance with Local Development Framework Policy CP16, DP 30, CP1 and DP1.
13. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
14. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
15. In accordance with policy CP2 and DP4 and in the interests of highway safety.
16. In accordance with policy CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
17. In accordance with policy CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
18. In accordance with policy CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
19. In the interest of safety and the general amenity of the development.
20. In the interests of nature conservation, in accordance with Local Development Framework policy CP16 and DP31.