

**Parish: Great Ayton**

Ward: Great Ayton

**5**

Committee Date:

10 November 2016

Officer dealing:

Mr P Jones

Target Date:

25 November 2016

**15/02856/FUL**

**Construction of a retirement village (Use Class C3) comprising 80 apartments and associated community facilities (element of extra-care) at Cleveland Lodge, Great Ayton for Mr Jonathan Raistrick**

## **1.0 UPDATED POSITION**

1.1 Planning Committee deferred consideration of this application at the September meeting. Concerns were raised by Members on the following points:

- Extension of the development site beyond the area of the allocation;
- The impact of the height, size and massing of the development on the character of the area;
- The level and form of the affordable housing offer; and
- The design of the access arrangements and car parking provision.

1.2 The applicant's response to this is set out in this section and third party comments on the additional material are set out in section 2. Section 3 is the officer assessment of the revised proposal. Sections 4 to 9 replicate sections 1 to 6 of the previous report.

1.3 The applicant in evaluating Members concerns has carried out additional viability assessments which have concluded that fewer than 80 units would not be financially viable. Discussion on this is set out below. The outcome of this is that the applicant has not altered the scale and form of the proposal but has revised the details of the elevational treatments. The amendments made are:

- Roofs have been hipped so that the buildings appear less overbearing;
- Some of the window bays on the front elevations have been removed so that the design feels less regimented or formal; and
- Curtain walling to the community hub has been increased substantially to provide a more contemporary design, which is much lighter internally and gives better views out.

1.4 The applicant has also submitted sections through the site to the woodland and housing to the north, in order to give a clearer indication of the impact of the proposal on the neighbouring properties and the character of the area.

1.5 The viability of the site has been re-visited in order to assess the impact of losing the top floor from the development. On this basis a revised viability appraisal has been prepared for 64 units. This appraisal demonstrates that the development would still be financially viable and the site could effectively provide an affordable housing contribution of £350,000, revised from £800,000, and a land value of £800,000. It is considered that whilst this would significantly reduce the capital receipt to the land owner, it is still at a level that would be reasonable. It is not known whether the landowner would be willing to accept the reduced price this would entail.

1.6 The applicant is also putting forward a new pedestrian link to Great Ayton, avoiding Newton Road. This would essentially create a new pedestrian link to the former drive linking into the existing footpath network at the junction of Station Road and the High Street.

- 1.7 The applicant has submitted an additional supporting statement which is summarised below:

#### Scale and massing

- The site is allocated for “very sheltered housing” (independent housing with an element of close/extra care for the elderly) – capacity of around 60 apartments at 70 dwellings per hectare;
- The Allocations DPD does not aim to deliver a care home or nursing home;
- A low density development would not comply with policy.
- The proposal is a maximum of three storeys;
- Scale and massing are appropriate to the isolated and spacious, parkland setting;
- Cross-section drawings show the buildings next to neighbouring properties and trees; and
- The proposal complies with LDF, therefore the NPPF’s “presumption in favour of sustainable development” is engaged.

#### Overdevelopment

- The allocation site spans 0.84 hectares;
- The application site covers approximately 0.99 hectares, an increase of 0.15 hectares;
- The resultant density is 80 dwellings per hectare, i.e. 10 dph higher than the allocation site;
- This slight increase in site size and numbers is necessary from a viability perspective;
- Registered Providers are no longer interested in developing the site;
- The site can only be delivered by a commercial operator;
- Viability is on a knife-edge due to significant developer contributions and abnormal costs;
- Delivering 80 units is a minimum requirement;
- Increasing the number of units keeps the selling prices down and the service charge affordable;
- Reducing the site size but maintaining numbers would necessitate an increase in building heights;
- Extending the site by around 30-40 metres in an easterly direction will not cause harm; and
- The Council has been flexible about development on allocated sites, in terms of numbers and size.

#### Affordable Housing

- The previous application included a residential care home (C2) but was withdrawn following a request by Officers for an apartment scheme (C3);
- Planning and housing professionals agree that on-site affordable housing is unsuitable within extra-care schemes;
- The Council has consistently accepted commuted sums for affordable housing;
- Registered Providers cannot afford to pay service charge on behalf of tenants;
- Doubling the service charge for paying residents would be unreasonable and unaffordable;
- A commuted sum of £10,000 per unit has been agreed, which is double that paid by McCarthy & Stone at Easingwold; and
- A reduction in apartment numbers would dramatically reduce or eliminate the commuted sum.

## Car Parking Numbers

- The proposal provides 45 parking spaces for residents, which equates to 56% parking provision;
- Parking surveys were carried out at a number of similar sites;
- The parking surveys showed spare capacity at all sites (including: Cherry Garth, Malpas Court);
- The parking provision is appropriate to the nature of the development in this location;
- If parking demand exceeds the provision, additional parking spaces will be provided.
- Demand will be monitored annually; and
- A residents permit scheme will be operated.

## Design of the Access

- The existing access will be improved to provide safe and suitable access;
- The existing boundary walls onto Newton Road will be realigned in order to provide the required visibility splays and footway (as recommended within the Allocations DPD); and
- Pushing the road to the rear minimises the visual impact associated with vehicles and creates a more relaxed and pleasant environment.

## **2.0 ADDITIONAL REPRESENTATIONS ON THE REVISED SCHEME**

- 2.1 Parish Council - The proposed development as amended is not in compliance with the LDF SH4 Cleveland Lodge Great Ayton. It is unclear whether or not the amended plan is within the allocated site however the amended plan does not provide "very sheltered/extra care housing."

The LDF also includes:

- *The design of the development respects the location of the parkland setting of a listed building.* The multi story apartment blocks make absolutely no effort to be in compliance with this requirement. The significant massing of the proposed apartment blocks is not only inappropriate to the parkland setting but also the vernacular architecture of the village of Great Ayton.
- *The front boundary wall being re positioned to allow safe access.* The LDF does reference a large number of dwellings (60) however it needs to be recognised that this number was in the expectation that perhaps many of the occupants of the development were in extra care. As such it is reasonable to assume that the occupants would not be requiring frequent access. The current proposal is **in essence** the provision of a significant number of dwellings / homes available to anyone to purchase (provided one is over 50 yrs?) all of which could well be in need of frequent access to go to work and the like. It is questionable whether the access is safe and suitable for such numbers. The site as proposed is not dissimilar to a housing estate development.
- *"provision of suitable and safe footpath access to Newton Road..." and contributions from the developer towards traffic calming ..."* Having got to Newton Road whilst there is a reasonable footpath to the Health Centre the access to the village centre is far from safe and suitable from anyone who is not of fleet of foot and nimble. The lower end of Newton Road is narrow not only for vehicles (who largely have to pass single file) but for pedestrians. Mobility scooters occupy the whole footpath width. (meaning any pedestrians or other mobility scooters have

to use -and do use the highway) If the application is granted it is useful to note that the landowner of the development owns land which could be the location of a safe and suitable access to the village centre.

- "*Significant landscaping.....*" The amended application does not include proposals for landscaping other than reference significant work needed to the shelter belt on the north and west sides of the site. The creation of an additional shelter belt planting to the south will isolate the multi-storey apartments but is this appropriate to a parkland setting?

The Parish Council notes that the requirement for affordable housing has been omitted and replaced by a payment which is less than indicated by professional valuation. The affordable housing is required IN the village. The Parish Council does not believe the need for affordable housing cannot be accommodated in any development on the site.

It is worthy of note that the inclusion of the site in the LDF was after democratic consultation within the village the outcome of which supported a rational that "*residents living in large homes could simply move into very sheltered care housing leaving the larger dwelling for others without a need for a sheltered home.*" The agent for the developer took it upon himself to tell the Parish Council that such rational was not a viable option in 2016. There is perhaps a realisation that he is to some degree perhaps right and what is in the LDF cannot be delivered to the village. Notwithstanding the extension of this logic does not mean that the village has to accept a totally inappropriate development. Given the option the village would rather having nothing on the site. Notwithstanding the Parish Council believes that very sheltered/extra care housing suitable for 2016 CAN be delivered on the site but does recognise that the financial equation for the developer in delivering such housing would probably be difficult to balance.

In conclusion the amended proposal is not supported and for the avoidance of any doubt the village does not want multi story apartment blocks which can be sold on the open market, do not provide very sheltered/extra care housing and is outwith the LDF.

2.2 Six additional representations have been received based on the revised drawings. Four object to the scheme and can be summarised as follows:

- The proposal fails to address the concerns of the public, Parish Council or Members;
- Three-storey buildings remain unacceptable;
- The developer was asked to review the height of the buildings. The previous design had a ridge height of 11.56m, which has now increased to 12.0m. The height of the top floor has also increased from 7.66m to 8.5m;
- It is extremely contrived simply to replace the individuals on the artist impression with elderly people;
- Insufficient car parking on site;
- No bus waiting area on Newton Road;
- The access is unsuitable; and
- It should be a care home and not just housing for the over 50s.

2.3 Two additional letters have been received in support of the proposal, which can be summarised as follows:

- The village is in need of accommodation of this type;

- A greater number of smaller units will result in a lower (more affordable) unit cost;
- The site is well screened and the building is not too large for the site; and
- This accommodation will allow people from Great Ayton to stay in the village instead of being forced to move to smaller accommodation outside the area.

### **3.0 OBSERVATIONS ON THE ISSUES GIVING RISE TO DEFERRAL**

#### Extended Development Area

- 3.1 The allocated site is small for a development of the density proposed and it was considered by officers at the pre-application stage that a small expansion of the site might provide an opportunity to achieve a better scheme in terms of the layout, service provision and landscaping of the site. This view was taken in principle, in advance of the scheme being designed. The applicant states that a reduction in the site area, back to the limits of the allocation, would make the development unviable.
- 3.2 The additional area of land is relatively small and still within the area enclosed by the access road to the lodge, the tree belt to the north and the landscape form to the north east of the site. It should be noted that the site boundaries in the Allocations DPD are approximate, not being based on the detailed survey work that would need to inform a planning application. In view of this, and taking account of viability and deliverability issues, the Council has on occasion resolved to approve schemes that include land beyond the allocation site, recent examples being the North Northallerton Development Area (NM5) and Wilberts Farm, Aiskew (BH5).
- 3.3 The additional area of development proposed is not considered to be harmful to the landscape character of the area, over and above the impact of the allocation itself and is considered to be acceptable in this instance.

#### Design

- 3.4 The Committee's concerns were expressed in terms of the scale and form of the proposal and there were concerns about the design of the community hub building. As noted above, the applicant has declined to reduce the scale of the development for viability reasons. However, the applicant has revisited other aspects of the design, which has been modified. Additional information has also been provided in an attempt to address Member's concerns. The basic form of the development remains as submitted although the roof forms have been hipped to reduce their impact. The treatment of the fenestration has been changed to give a slightly softer appearance with a less regimented development form.
- 3.5 The amendments to the design are considered to be an improvement over the original submission. However, Members will need to be satisfied that the amendments are sufficient to address their concerns.
- 3.6 The applicant has submitted two cross-sections through the site, one long section from Cleveland Lodge itself showing the landscape form between the listed lodge building and the proposed development along with the relative heights of the two structures. This section is intended to illustrate that the listed building remains in isolation from the proposed development, as it is from the village. The listed building retains its hierarchy in the landscape and as such the section confirms the previous report's conclusion with regard to the impact of the development on the setting of the listed building. The second section is taken through the site, the woodland adjacent and the housing beyond, in order to illustrate the relative heights of the proposed development to the nearby existing housing but also in relation to the height of the tree belt. Concern had been raised previously that the illustrations

provided showed a higher tree belt than in reality. Officers are satisfied that the section reasonably reflects the situation on the site.

- 3.7 In conclusion the scheme remains largely as previously presented to Members. However, a number of modifications have been made which are considered to improve the overall appearance of the development. The sections presented by the applicant confirm earlier conclusions with regard to the height of the development compared to that of nearby housing and the TPO tree belt which separates that housing from the development site. The height, massing and form of the development is considered to be in keeping with the form of development which the allocation envisaged and is not considered to be harmful to the landscape setting of the village or the setting of the listed building.

#### Affordable Housing Offer

- 3.8 The application proposes a commuted sum to cover the provision of affordable housing. This is standard practice where sheltered housing developments such as this are concerned, where there are significant service charges associated with the development which would cause the scheme to be unaffordable. The commuted sum would be made available to a Registered Provider (Housing Association) to be spent in Great Ayton or the wider Stokesley sub-area. This money could be spent on a new build or purchase of a property from the existing housing stock, to then be occupied in accordance with the Council's affordable housing policy.
- 3.9 In terms of the level of the offer, this remains at £800,000 as previously reported to Members. This is a variance of £60,000 from the advice provided to the Council by Kier but is considered to be acceptable in this instance for the reasons given in section 8 below.

#### Access and Parking

- 3.10 The Highway Authority has assessed the application in the light of other similar developments in Hambleton. It is satisfied that the car parking provision is acceptable in this instance.
- 3.11 Members raised concerns about the road access onto Newton Road, the proximity to the bus stop and the ability for residents to cross Newton Road to gain access to the village. The applicant has suggested an alternative pedestrian access into the village, through the provision of a footpath along the field boundary, through to the former access road to Cleveland Lodge. This route avoids Newton Road altogether and provides a direct route to the village.

### **4.0 PROPOSAL AND SITE DESCRIPTION**

- 4.1 The site is located off the east side of Newton Road, approximately 400m east of High Green. The site is on the north side of the private access road to Cleveland Lodge, a grade II listed building. Cleveland Lodge lies approximately 100m beyond the site. The land rises gently at the eastern end. The site is bounded on the north and west side by a band of trees. There are additional individual trees along the drive. The trees are subject to Tree Preservation Orders. A public right of way runs east-west approximately 150m to the south of the site. The area of the site is approximately 0.9 ha.
- 4.2 To the north of the site, beyond the tree belt, the site backs onto bungalows on Roseberry Crescent and two storey houses on Farm Garth. Beyond the north-west corner of the site is a detached two-storey brick house with decorative brick work,

possibly a former lodge. Opposite the site, on Newton Road, the existing development is mainly two storey housing, in terraces.

- 4.3 The application is for 80 retirement apartments comprising 20 one-bedroom and 60 two-bedroom units. The apartments are in four blocks, up to three stories in height and laid out in an angled radial arrangement. The application also proposes a central single storey community hub building with a lounge and kitchen area, management office and visitor accommodation.
- 4.4 The final design of the buildings feature gable ends and stepped roofs, and external materials are mainly brick with stone detailing. The buildings feature angled window projections, and balconies. Landscaped gardens are proposed on the south side of the buildings.
- 4.5 The development is accessed from Newton Road via the existing entrance, with an internal access road along the north side of the buildings, with parking arranged in groups in the spaces between blocks on the north side.
- 4.6 The major part of the site is allocated in the Hambleton Local Development Framework under SH4 for very sheltered housing. The development extends eastwards approximately 34m beyond the allocated site.
- 4.7 Northumbrian Water (NW) has a flood alleviation project on Cleveland Lodge land to the south of the application site, which is separate from the planning application but which is planned to be implemented concurrently with the development. The associated drain is shown routed along the new service road on the north side of the site.
- 4.8 The application was submitted with Ecological, Historic Environment, Drainage (Northumbrian Water Storage Pond), Arboricultural and Transport assessments.
- 4.9 In the course of the application a revised Transport Statement has been submitted, together with a Travel Plan.

## **5.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 5.1 15/01400/FUL - Construction of 44 extra care units with associated community facilities (Use Class C2 and a 40 bed residential care home (Use Class C2); Withdrawn 18 January 2016.
- 5.2 15/02049/LBC - Repositioning of boundary wall (to facilitate the access associated with this application); Pending determination.

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP7 - Phasing of housing  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable 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 DP4 - Access for all  
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 DP29 - Archaeology  
Development Policies DP32 - General design  
Development Policies DP43 - Flooding and floodplains  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Allocation Policy SH4 – Cleveland Lodge, Great Ayton  
National Planning Policy Framework

## **7.0 CONSULTATIONS**

- 7.1 Parish Council - Members were disappointed that the Care Home Facility had been removed and that there are no bungalows contained within the proposal. The size of the site is outside of the agreed scale contained within the Local Development Framework.
- 7.2 Historic England - The application should be determined in accordance with the national and local policy guidance and on the basis of your specialist conservation advice.
- 7.3 Northumbrian Water - Currently there is no capacity within the public sewerage system to accommodate the surface water flows from the development site without increasing flood risk within the catchment where there are already properties which suffer flooding. There has however been positive dialogue with the landowner regarding a collaborative surface water drainage solution which would not only reduce the flood risk to properties but would also provide a sustainable drainage outlet and storage for the development site. No details of the disposal of surface water have been submitted with the planning application. Condition requested.
- 7.4 Environment Agency – No comments.
- 7.5 Network Rail - No objection; asks that new residents are made aware of a nearby footpath crossing of the railway crossings and that level crossing safety leaflets are included in information/welcome packs.
- 7.6 NYCC Archaeology - No known archaeology constraints.
- 7.7 Yorkshire Gardens Trust - Reduced massing (compared with previous scheme, now withdrawn) and more sympathetic approach to the retention of existing trees and hedgerow will have a lesser impact. A sympathetic landscaping scheme is important to integrate the scheme with selective new planting a management plan for the existing historic planting and the creation of new garden features for the enjoyment of the future residents.
- 7.8 NYCC (Lead Local Drainage Authority) – No objection; condition requested.
- 7.9 Public comment – two representations in support, stating that the care facility is much needed, and 19 representations objecting on the following grounds:
- The proposal is not in accordance with the Allocation requirements because of a reduction in very sheltered residential accommodation (Use Class C2);
  - The development will make traffic worse; Newton Road is hazardous and there is doubt about suitability of the footpath (on one side only) for mobility scooters. There are discrepancies in the transport statement, which retains references to the previous scheme.



- Two and three storey blocks are excessive, out of keeping with nearby housing and larger than originally contemplated; the village cannot sustain any more development;
- The tree constraints plan is insufficient and an arboricultural assessment is not included with this application;
- The design does not blend in with the parkland setting as claimed in the Design and Access Statement, which includes outdated references to the previous scheme;
- There would be a harmful effect on Cleveland Lodge (Listed Building) and the associated Lodge; loss of parkland to Cleveland Lodge;
- An inspector turned down an appeal at a nearby site due to the value of open land to the village;
- Trees will not provide amenity screening in winter and there would be adverse effects through overlooking, kitchen emissions and a dominating effect; and
- Flood risk.

## **8.0 OBSERVATIONS**

- 8.1 The majority of the site is within the Development Limits of Great Ayton where there is a good range of services available. The majority of the site is allocated for very sheltered housing, being independent housing with an element of close/extra care, at a density of at least 70 dwellings/ha, and 50% affordable housing. As such the principle of the development is not in question, unlike the School Farm site referred to by an objector, and the determination of the application should turn on detailed assessment of the proposal, including how closely it conforms to the Allocation.
- 8.2 The proposed development extends eastwards beyond the allocated site by approximately 35m, and includes an additional 0.14 ha of land. Overall the density would be 88 dwellings/ha. While the site extends beyond the allocation the additional proportion is relatively minor overall and the proposal can continue to be assessed against the other relevant policies prior to final consideration of acceptability.
- 8.3 The key issues to be considered are: (i) whether the development would deliver appropriate affordable and extra care housing as required by Policy CP9 and the detail of the allocation; (ii) design and the likely impact on the setting of the Listed Building and the surrounding parkland; (iii) the likely effect on trees and ecology; (iv) residential amenity; (v) highway safety; and (vi) flood risk.

### Affordable and extra care housing

- 8.4 The majority of the site is allocated (Policy SH4) for independent housing for older people, with an element of close/extra care. The terminology regarding the care provided is not given an explicit definition within the policy however the supporting text sets out that the site will be developed for very sheltered/extra care housing, “providing self-contained accommodation in the form of one or two bed flats, with access to care and support”. A management statement has been submitted with the application which describes the development as provision for older people, and that a minimum amount of domestic assistance will be provided as standard with access to additional help as required, and 24 hour emergency assistance. Provision within the building structure specific to the needs of older people includes charging points for mobility scooters, passing points in corridors, and access to a community area.
- 8.5 The National Planning Policy Framework and supporting guidance set out that housing provision is necessary to meet demographic trends, and the needs of older people. In response the Council has adopted a Size, Type and Tenure of New Homes Supplementary Planning Document (SPD) which considers measures to increase options for older people in Hambleton to make down-sizing or moving to

specialist housing simpler and more attractive. The SPD notes that the alternative options are currently limited. The document identifies that private provision will be important as social housing is not an option for many older people in Hambleton with income and/or assets above the qualifying level.

- 8.6 It is considered that while the proposed scheme proposed offers limited care on entry, it would provide access to care and support as required in the allocation, and would therefore make a significant contribution to meeting the recently identified needs of older people for small accommodation, with scope for extra care as required. As a private development this can be negotiated between the parties concerned. Overall, the proposal is acceptable as broadly in accordance with this aspect of the allocation.
- 8.7 Due to the additional costs relating to management of the apartments and the nature of the site, the provision of affordable housing has been considered on the basis of a commuted sum because on-site affordable housing would not be able to contribute to service charges. The ability of the development to provide an equivalent sum to fund off-site provision of affordable housing has been taken into consideration through a viability assessment which has been considered by the Council's independent assessor, Kier (formerly Mouchel).
- 8.8 The submitted evidence indicates that viability of the proposal is constrained by land costs and high quality materials and accordingly the applicant believes that a maximum sum of £680,000 is justified, compared with similar projects. This has been reviewed by the Council's advisor, who considers that the scheme could make a contribution of approx. £860,000 and still be viable.
- 8.9 Whilst the applicant does not accept the Council's advisor's findings, he is prepared to offer £800,000 in the hope that the matter can be agreed locally. It is understood that if the scheme became the subject of an appeal, the applicant would revert to his previous position and seek to justify a maximum contribution of £680,000.
- 8.10 The offer falls approximately £60,000 short of the sum recommended by the Council's advisor. Both valuations would come under further scrutiny if agreement cannot be reached locally and the application became the subject of an appeal, so it cannot be assumed that either valuation would prevail. Considering the relatively small shortfall, 7% of the sum recommended by the Council's advisor, and the advantages in securing timely development of the allocated site, it is considered on balance that the offer should be accepted as a pragmatic solution in this instance.

#### Design and setting

- 8.11 Design is a criterion of the allocation, and policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that takes account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. In this case the site is located within the parkland setting of a Listed Building and as well as the design issues outlined above, the effect on the setting of the Listed Building and the parkland setting is to be taken into account.
- 8.12 The submitted design statement sets out the historical background to the site and describes its features including tree belts to the north and west and the parkland setting. The evolution of the design takes account of the linear form of the site and the southerly aspect by putting the access road and parking to the rear of the proposed buildings and positioning the higher parts of the development towards the rear of the site.

- 8.13 When seen from the public footpath to the south the development will be seen as a radiating cluster of buildings each falling gently in height and animated by angled windows and balconies and with the eastern building nestled within the land form. The development as a whole will be contained within the enclosing tree shelter belts to north and east and while some trees along the drive may be removed, appropriate landscaping, and materials, which can be ensured by condition, would result in an acceptable form of development. Through the course of the application the applicant has agreed to the use of improved and locally relevant building materials, which offers an improved relationship to the character of the village as a whole.
- 8.14 Due to its position the development would not be particularly visible in relation to Cleveland Lodge and in the terms set out in the NPPF would result in less than substantial harm to the heritage asset which must be off-set by public benefit to be considered acceptable, in this case the provision of extra care housing.
- 8.15 The parkland setting is not designated, and requires a balanced judgement as to the scale of any harm or loss and the significance of the parkland. In this case the use of the linear field is of benefit and the tree cover is sufficient to screen the development from most directions. The key view point would be from the south where the development may be viewed from the nearby public footpath and it is important that the design is high quality and the scheme laid out so that the landscape becomes part of the design. Amendments to the design have incorporated improved architectural detailing and use of higher quality materials. This has reduced the extent of white painted render and brought in vernacular brick and slate materials for walls and roofs. Therefore whilst the overall scale and mass of the development will be significant, the use of vernacular materials would provide visual balance in relation to the surroundings and taking into account the public benefit of the scheme will result in less than substantial harm to the non-designated parkland setting.
- 8.16 In conclusion, the proposed development takes into account local character and setting and results in less than substantial harm to the significance of the heritage assets and the harm is outweighed by the public benefit of the proposal in delivering housing for older people for which there is an identified need.

#### Trees and ecology

- 8.17 An arboricultural pre-development report submitted with the application assessed the trees and identified some to be removed to allow for drainage access from the north and to provide for an enlarged access from Newton Road. A subsequent Arboricultural Impact Assessment has been received and sets out that three trees along the existing drive would need to be removed due to their proximity to the proposed building. A 'no dig' surface, such as a cellular confinement system is proposed for the access road, limited to the indicative position of the proposed Northumbrian Water (NW) drain, and also key areas in front of buildings 1 and 3 (numbering from west). The arboricultural report acknowledges that the extent of encroachment into root protection zones is beyond that recommended in BS5837:2012 (Trees in Relation to Design, Demolition and Construction) but notes that the recommended construction method would limit potential harm overall, and recommends future monitoring. A subsequent amended Arboricultural Impact Assessment omits the line of the proposed NW sewer, as a revised route is under consideration. The applicant has agreed in principle that if the application is approved they will do the necessary investigations for an alternative route.
- 8.18 The development would result in the loss of protected trees including three trees which are currently significant parkland features along the existing drive to Cleveland Lodge. Taking into account the allocated site size and recommended minimum density within the allocation, it is realistic to suppose that the development would

result in significant effects on the natural landscape and loss of some trees would result. There is scope to consider that in the changed environment resulting from the proposed development new planting suited to the proposed development can be provided by means of a high quality landscaping scheme which would have the positive benefit of providing a response to the design of the new development, in the context of the parkland setting. The protection of retained trees can be ensured by a suitable condition.

- 8.19 The provision of the NW drain along the service road on the north of the site would require deep digging in this area, and an independent arboricultural assessment for the Council (A Whitehead Associates) has identified that this is a source of significant potential harm to the trees in this area along with issues related to the proximity of the development to tree canopies. A subsequent Arboricultural Impact Assessment submitted by the applicant acknowledges the latter point by the removal of two trees (numbered 75 and 80) and considers that remaining trees along the driveway can be appropriately pruned without harm to their structural integrity. An alternative route of the NW drain between buildings 1 and 2 would reduce some of the impact on trees and has been the subject of discussion. As a result of the discussion, both the applicant and NW have expressed willingness in principle to route the drain away from the majority of the root protection zones along the proposed drive and if the proposal is otherwise acceptable, a suitable scheme can be secured by condition. There is scope to require additional planting within the shelter belts which would replace trees which suffer decline in the longer term as a result of the drainage scheme or other works.
- 8.20 The submitted ecological report identifies that the southern boundary hedge is considered important and that there is bat roosting potential within some retained trees. The hedge would be retained, save for some breaks for pedestrian access, and subject to monitoring of future intention to remove trees with potential as bat roosts, the scheme does not raise significant concerns about ecological issues.

#### Residential amenity

- 8.21 Neighbours to the north with a facing elevation to the site would be a minimum of approximately 30 m away from the developed area of the site and particularly taking into account the well-established tree screening that is available in the summer and which would also soften views into the site through the winter months, there would not be an unacceptable harmful effect on the amenities of nearby occupiers. A traditional lodge building at the north-west corner of the site would be slightly closer to the development and occupiers of the lodge would view the development at an angle and as a result the scheme would not be unacceptably harmful to amenities, particularly taking into account an existing partly restricted outlook from the lodge into the roadside tree belt.

#### Highway safety

- 8.22 The applicant has been working with the Highway Authority to resolve issues of concern, and a revised Transport Statement and a Travel Plan have been produced.
- 8.23 The applicant has met with NYCC highway officers and planning officers and the key issues outstanding are:
- The justification for the proposed parking provision; and
  - Consistency and detail within the Transport Plan and Travel Plan.
- 8.24 To deal with parking, the applicant is undertaking a survey of parking usage at similar developments, the findings of which will be reported to the meeting. The Highway

Authority has given advice on clarifications and additional supporting information required in the Transport and Travel Plans. The informal advice of NYCC officers is that the outstanding issues are surmountable, and it is anticipated that a set of draft conditions will be available for the Committee's consideration.

#### Flood risk

- 8.25 As described above, the proposal is concurrent with a separate flood alleviation scheme by Northumbrian Water to which the development would be linked and the proposed housing scheme does not therefore raise concerns about additional flood risk.

### **9.0 RECOMMENDATION**

- 9.1 That subject to any outstanding consultations the application is **GRANTED** subject to (a) the satisfactory completion of a planning obligation to secure a contribution of £800,000 toward affordable housing in the Stokesley sub-area in lieu of on-site provision; and (b) 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 SK5500 Rev G; SK5520 Rev F; SK5572 Rev B; SK5582 Rev E; SK5510 Rev L; SK5570 Rev B; SK5571 Rev B; SK5581 Rev F; SK7010 Rev A; SK7011 Rev A; SK7000 Rev E received by Hambleton District Council on 23 December 2015 and 1 August 2016, unless otherwise approved in writing by the Local Planning Authority.
  3. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied except by persons 55 years old or older, in accordance with a scheme of qualifying occupiers and care provision previously approved in writing by the Local Planning Authority.
  4. 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.
  5. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.
  6. The development hereby approved shall not be commenced except in full accordance with an Arboricultural Method Statement and Tree Protection Plan previously approved in writing by the Local Planning Authority. The details submitted for approval should include (amongst other measures) full details of any works to the canopy of retained trees and a programme of supervision and inspections by an

appropriately qualified arboricultural consultant. The development shall thereafter be carried only in accordance with the agreed details and scheme, unless otherwise agreed in writing by the Local Planning Authority.

7. 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.

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 Policies CP16 and DP28.
3. To provide for the identified needs of the population, in accordance with Local Development Framework Policy CP8 and DP13.
4. 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.
5. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
6. In the interests of the protection of trees, in accordance with Local Development Framework Policy CP16 and DP28.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

#### Informatives

1. With regard to Condition 6, it is expected that the scheme of arboricultural supervision will include arboricultural inspections to show that surface water drain, porous drive, trenching and foundations have been installed in accordance with the approved tree protection measures, and a provisional order of supervisions by an arboricultural consultant, including notifications to the Local Planning Authority that the measures have been complied with at each stage.
2. With regard to Condition 7, the landscaping scheme should include measures for additional tree planting within shelter belts to the north and east of the site, as well as open areas around the proposed buildings.

3. 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 green wheeled bin for garden 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 its own Neighbourhood Services.

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.