

Parish: West Tanfield
Ward: Tanfield
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Committee Date: 5 January 2016
Officer dealing: Mr Andrew Thompson
Target Date: 10 January 2016

16/00529/FUL

**Demolition of an outbuilding and the construction of 42 residential units
At Station Yard, Mowbray Terrace, West Tanfield
For Berkeley DeVeer**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is the former Station Yard, West Tanfield which is located to the north of the main village of West Tanfield off Mowbray Terrace. The proposed site lies within the development limits for West Tanfield, and is allocated for mixed uses including housing (approx. 40 units) in Hambleton Allocations DPD Policy BM3; the majority of this allocation (1.35ha of the total 1.55ha) is for housing.
- 1.2 The application proposes a total of 42 dwellings including 5 two-bedroom houses (11%), 20 three-bedroom dwellings (46%) and 17 four-bedroom dwellings (40%). The proposal includes amendments to the existing entrance to create footpaths and would include and retain access to Station Cottages which front onto the site.
- 1.3 The proposal includes eight affordable dwellings which are made up of all of the two bedroom dwellings and three of the three-bedroom dwellings. This would equate to 19% of the total development.
- 1.4 The proposal has three character areas and phases of development. Phase 1 would be the front portion of the site, including the amended site entrance. Phase 1 would also provide access to the neighbouring Station Cottages and include three affordable housing units. Phase 2 would be the south eastern portion of the proposals including the remainder of the proposed affordable housing units and phase 3 would be the remainder, in the development to the north eastern part of the site.
- 1.5 The site is within Flood Zone 1 and not subject to any known ecological designations.
- 1.6 The Grade II Listed Old Wesleyan Chapel (now Village Hall) is in close proximity to the south of the site, although the site is outside the boundary of the West Tanfield Conservation Area.
- 1.7 The application is supported by a range of documents including a Planning and Marketing Assessment, Design and Access Statement, Bat Survey, Affordable Housing Viability statement, Geo-Environmental Studies, Flood Risk Assessment and Drainage Information, Heritage Statement and Tree Survey.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 The planning history on the site relates to the former use of the site as a Yard. The last planning permission on the site related to the conversion of the offices to a dwelling under planning permission reference 84/0409/FUL (Granted 26 June 1984).

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP6 - Distribution of housing
 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 CP9A - Affordable housing exceptions
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP12 - Delivering housing on "brownfield" land
 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 DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
 Allocations Document Policy BM3 - Station Yard, West Tanfield - adopted 21 December 2010
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 West Tanfield Parish Council - No objection.
- 4.2 North Yorkshire County Highways - No objection subject to conditions.
- 4.3 Environmental Health Officer - No objection subject to a condition relating to dealing with potential contamination on the site.
- 4.4 Environment Agency - No objection.
- 4.5 Yorkshire Water - No objection subject to condition.
- 4.6 Police Architectural Liaison Officer - The proposed development will provide residents with a safe, non-threatening environment in which to live. This accords with the core principles and design objectives set out in the National Planning Policy Framework.
- 4.7 Lead Local Flood Authority - No objection subject to drainage conditions. The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur on any part of the site for a 1 in 30 year rainfall

event. Calculations must include an allowance for urban creep where required and climate change. The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur during a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

4.8 Public comment - Three letters of objection have been received from local residents raising the following comments:

- The proposal would be adversely affected by the change in levels of the land and the existence of mature trees and hedges on the boundary;
- Implications of structural stability of the land and plots 30 and 31;
- Noise nuisance during construction;
- Previous uses raised problems of noise after 2001 when they changed from a normal Monday to Friday working week to a 24/7 operation;
- Hours of construction work should be limited;
- Traffic calming is required - traffic regularly exceeds 50mph as it passes the Station Yard entrance; and
- The addition of traffic movements associated with 42 additional properties onto a road that already has serious traffic issues is a major concern in relation to the safety of the road.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to (i) the principle of residential development in light of the mixed use allocation; (ii) the impact on the character and appearance of the Conservation Area; (iii) the impact on neighbour amenity; (iv) the impact on highway safety; (v) drainage and (vi) the liability of the development for the Community Infrastructure Levy and Affordable Housing.

Principle of residential development

5.2 The application site forms allocation BM3 of the Local Development Framework. The principle of redevelopment of the site therefore is established and accepted. The allocation prescribes a mixed use development including housing (approx. 40 units) on 1.35ha of the total 1.55ha with the housing being developed at a density of approximately 30 dwellings per hectare. The remaining 0.2ha is identified for employment development with the potential to include options for live-work units being considered, taking account of an assessment of the market at the time. This would comprise living accommodation linked to appropriate and integral commercial or B1 light industrial uses with sound insulation measures. The allocation policy adds that, should live-work not be viable, this element of the development will incorporate suitable B1 employment uses.

5.3 The applicant has demonstrated that the site has been actively marketed for mixed use development and the supporting information to the application shows that whilst offers were received in relation to the redevelopment of the site, no offers were received in relation to employment or mixed use development. The former buildings on the site were also marketed but were demolished due to the inability to find tenants. There is further known difficulty since the Mortgage Standards Review in securing funding and mortgages for live-work properties which was identified as a potential, not a requirement of the allocation. The employment development was identified as 0.2ha and as such was a minimal part of the allocation. Taking account the small-scale employment and the evidence submitted, it is considered that the

employment element of the allocation is not deliverable in the current economic climate.

- 5.4 As such, whilst the proposal would not deliver employment and mixed use elements the economic impact of this is limited because the employment element of the allocation was secondary to the housing element.
- 5.5 Overall, the applicant has reasonably demonstrated that the employment element of the allocation is not viable and the proposal for housing development in isolation is considered to be acceptable in this instance.

The Character and appearance of the area

- 5.6 The application site is visible on the approaches to West Tanfield from the north and therefore the inclusion of a landscape buffer to the northern boundary would separate the development from the open countryside.
- 5.7 The proposal seeks to add interest and character within the site by delivering development which would appear as three distinct character areas described in 1.4 above. The purpose being that the development would then appear more in keeping with the historic organic growth of the village.
- 5.8 The proposed development would alter the entrance to Station Yard by adding footpaths and the buildings would be all two storey and in keeping with design features of the surrounding area, including bay windows, stone detailing around the windows and individual porch detailing. The proposals accords with National Space Standards.
- 5.9 Plot 30 would be close to the northern boundary of the site and therefore would be prominent in views from neighbouring properties and the approaches to the north but it is noteworthy that this is the location of the former industrial buildings that were present to the rear of Station House. The proximity of this building is therefore not considered unacceptable or harmful to the character and setting of Heron Hill to the north.
- 5.10 The amended proposal shows a development that would be in keeping with the character of the area and bring forward the allocated housing in an appropriate manner.

Neighbour amenity

- 5.11 Amended details have introduced enhanced landscaping to the northern boundary to improve the relationship with Heron Hill. The proximity of Plots 30 and 31 to the northern boundary are noted but there would be adequate separation to allow for maintenance of hedgerows and planting and there would be sufficient separation from Heron Hill to avoid significant detrimental impact on amenity in terms of privacy and overlooking.
- 5.12 The proposed development has also been amended to create a satisfactory relationship with Station Cottages and Station View, which would become viewed as part of the development. The proposal would therefore form a satisfactory relationship with neighbours and would not compromise amenity in terms of privacy and overlooking.
- 5.13 The comments with regard to noise and dust during construction can be managed through an appropriate construction management plan.

- 5.14 Taking these factors into account, the proposed redevelopment of the site would be acceptable in terms of neighbour amenity.

Highway safety

- 5.15 The comments of residents are noted; however the Highway Authority is satisfied that safe access can be achieved and that there would be no detrimental impact on highway safety.
- 5.16 The proposal shows parking and garage provision and adequate space for turning and manoeuvring within the site with the development designed to reduce speeds within the site and promote active use of the streets as places. The proposal also includes informal parking provision and hard surfacing.
- 5.17 The concerns about the speed of traffic and safety of vehicles approaching West Tanfield are noted. However, the proposal is designed with adequate visibility at the junction with Mowbray Place and residents would be able to access other parts of the village by alternative means of transport (e.g. walking and cycling).
- 5.18 As such, there are no sustainable highway safety issues to count against the proposal.

Drainage and Flooding

- 5.19 The County Council (Lead Local Flood Authority) and Yorkshire Water's comments are noted and adequate drainage details can be secured by condition. The general flooding situation in the area is noted, insofar as the site is in an area at the lowest risk of flooding.
- 5.20 The remediation of the site and the redevelopment of the site would allow for a feasible drainage strategy to be implemented.

Affordable Housing

- 5.21 The applicant proposes 19% affordable housing and has submitted detailed information with regard to the viability of the site in support. The evidence has been assessed by the Council's Viability Advisor. After extensive discussions, it is agreed that 40% affordable housing, the aspiration of Development Plan policies CP9 and BM3, cannot be achieved on this site.
- 5.22 It is agreed that the need to remove contamination associated with the previous use introduces a significant level of abnormal costs which need to be factored into the development and the cost of such work is agreed. The expected revenue and land value are also agreed.
- 5.23 There remain areas of disagreement between the applicant and the Council's Viability Advisor relating to professional fees and normal construction costs. The largest area of disagreement being the construction cost which would have a relatively significant impact on viability. However, the applicant has submitted evidence accepted by the District Valuers Service which suggests these levels of costs are appropriate and akin to industry standards and the lowering of the costs would not be appropriate.
- 5.24 As such, taking on board all the evidence submitted and the issues raised, it is considered that the proposed level of affordable housing could not be successfully challenged in this instance.

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 development shall be carried out in accordance with the submitted plans reference 1541.01 REV E, 1541.05, TN1.01, T06.01 REV B, T06.02, T07.D.01 REV B, T07.T.02, T09.01 REV A, T10.01 REV B, T11.01 REV B, T03.01 REV A, T06.01 REV B, T07.T.01 REV B, T10.01 REV B, T11.01 REV B, T12.01 REV A, T03.01, T07.D.01 REV A, T07.T.01 REV A, T08.01.V2, T10.01 REV A, T10.R.01 REV A submitted to the Local Planning Authority on 4 and 7 March 2016 as amended by details on 22 July 2016 and 22 September 2016.
3. 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, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing the proposed highway layout including the highway boundary; dimensions of any carriageway, cycleway, footway, and verges; visibility splays; the proposed buildings and site layout, including levels; accesses and driveways; drainage and sewerage system; lining and signing; traffic calming measures; and all types of surfacing (including tactiles), kerbing and edging; (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing the existing ground level; the proposed road channel and centre line levels; and full details of surface water drainage proposals; (c) Full highway construction details including typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths; when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; kerb and edging construction details; and typical drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; and (h) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details.
4. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
5. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works and highway drainage, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

6. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
7. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority; (b) The crossing of the highway verge shall be constructed in accordance with the Standard Detail number A1; (c) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing / proposed highway and shall not be able to swing over the existing or proposed highway; (d) The final surfacing of any private access within 6 metres of the existing / proposed public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway; and (e) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details
8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Mowbray Terrace from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 1541.01 Rev E - Planning Layout. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
11. 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning 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 agrees in writing to their withdrawal.
12. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the

site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

13. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.
14. Affordable housing shall be delivered in accordance with the size, location and tenure as set out on approved drawing 1541.01 Rev E - Planning Layout. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. Furthermore, (a) For the avoidance of doubt the plots for affordable housing are plots 8, 9, 10, 11, 12, 30, 31 and 32; and (b) Prior to the commencement of development the following details shall be submitted to and approved in writing by the local planning authority: (i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; (ii) the arrangements for the transfer of the affordable housing to an affordable housing provider; (iii) the tenure mix; (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. The development shall be carried out in accordance with the approved details.

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. To ensure satisfactory development of the site in accordance with the details submitted.
3. In accordance with the policy and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
4. In accordance with the policy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
5. In accordance with the policy and in the interests of highway safety and to ensure that no surface water discharges take place until proper provision has been made for its disposal
6. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
7. In accordance with the policy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In accordance with the policy and in the interests of road safety.

9. In accordance with the policy 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.
10. In accordance with the policy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
11. In accordance with the policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with the policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. In the interests of the amenity of adjacent and nearby occupiers.
14. To secure delivery of Affordable Housing in compliance with the Development Plan policies, and the adopted Supplementary Planning Document and Housing Needs Study.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
 - 1 x 240 litre black wheeled bin for general waste
 - 1 x 240 litre 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 or by telephoning 01609 779977.
2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification.