

**Parish: Aine**  
Ward: Easingwold  
**1**

Committee date: 25 May 2017  
Officer dealing: Laura Chambers  
Target date: 1 June 2017

**17/00382/FUL**

**Demolition of existing storage sheds and construction of five detached houses with associated garages and access road  
At Old Station Yard, Station Road, Aine Station  
For Mr A Adamson & Mrs S Adamson**

**This application is referred to Planning Committee as the proposal is a departure from the Development Plan**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is the former station yard at Aine Station, to the south west of the railway line and east of Station Road, to the north east of the village of Aine itself. There are a small number of existing dwellings at Aine Station that appear as an ancillary hamlet to the main settlement.
- 1.2 The application site has a longstanding use for storage and distribution associated with a stonemasonry business. The eastern boundary with the adjacent dwelling is defined by an established hedge while the southwestern boundary is demarked by a post and rail fence of approximately 1m in height. There are a number of deciduous trees to the northern section of that boundary and shrubbery adjacent to the existing vehicle access but the remainder of the boundary is relatively open.
- 1.3 There are a number of buildings on the site of a commercial nature, including storage containers associated with the business currently operating from the site. These buildings are out of keeping with the neighbouring dwellings.
- 1.4 Permission is sought to remove some of the existing commercial buildings on the site, form a shared drive parallel to Station Road and erect five four-bedroom detached dwellings in a linear arrangement to the south of the drive. A storage building is to remain to the south east of the site.
- 1.5 Improvements have been secured as follows: the number of units proposed has been reduced following advice given at pre-application advice stage to ensure the development is small scale.

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

- 2.1 83/1026/CAP – Certificate of Alternative Use Proposed – Use of land as a builder's yard and construction of an office building; Granted 8 December 1983.
- 2.2 84/0431/FUL – Building for the storage of timber; Granted 27 September 1984.
- 2.3 85/0846/OUT – Outline application for a dwelling with domestic garage; Refused 25 July 1985, appeal allowed 0 April 1986.
- 2.4 88/0187/FUL – Garage/workshop building for use in connection with haulage business; Granted 4 October 1988.
- 2.5 99/50046/P – Revised application for a storage and distribution building with associated office accommodation; Granted 27 September 1999.

### **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 CP8 – Type, size and tenure of 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 DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 – Utilities and Infrastructure  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies 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 DP17 – Retention of employment sites  
Development Policies DP30 - Landscape Character  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Interim Guidance Note - adopted by Council on 7th April 2015  
Supplementary Planning Document - Size, Type and Tenure of New Homes  
National Planning Policy Framework (NPPF)

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – No objection but queries whether buildings on the site are listed and whether the County Archaeologist would record the site prior to works commencing.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environment Agency – No objection; recommends flood proofing measures and assessment of contamination.
- 4.4 Environmental Health Officer – No objection subject to conditions and additional land contamination investigative works being carried out.
- 4.5 Network Rail – No objection in principle but questions land ownership.
- 4.6 Yorkshire Water – Confirms a water supply can be provided.
- 4.7 Kyle & Upper Ouse Internal Drainage Board – The application relates to work near and discharging into a watercourse within the Internal Drainage Board drainage district and requires consent from the IDB in addition to landowner agreements for works, access, easements and planning permissions.
- 4.8 RAF Linton on Ouse – No objection.
- 4.9 Public comments – None received.

### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) flooding; (iii) contaminated land; (iv) noise; (v) ecology; (vi) housing mix, and (vii) design.

## Principle of Development

- 5.2 Alne Station lies beyond the Development Limits of the settlements listed in Policy CP4, which states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be permitted beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the Settlement Hierarchy contained within the IPG, Alne Station is defined as an Other Settlement. Alne is approximately 650m away by road and is defined as a Secondary Village and therefore is considered a sustainable location for development. There are footpath links between the two villages and access to bus services. Alne and Alne Station are identified as cluster villages within the IPG due to their proximity and it is therefore considered the proposal satisfies criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The site is currently in employment use as a stonemasonry business. Policy CP12 of the Council's Core Strategy seeks to support and sustain the economy of the District and policy DP17 seeks to achieve this by retaining employment sites unless material considerations indicate an exception can be made – such as the site is no longer viable or redevelopment would facilitate a new site to sustain an existing business.
- 5.6 The supporting documents submitted with the application identifies the owner of the site is a sole trader without other staff being employed at the site, it is also asserted that the nature of the business has changed such that the site is no longer required as the activities carried out there have become unviable – namely stonecutting and the business purchases pre-cut stone to be delivered to the location of its use. It is not therefore the case that an alternative premises are being pursued to accommodate the business to be funded by the redevelopment, rather that the operation has changed such that the site is now surplus to the operator's requirements.
- 5.7 The proposal identifies criteria iii of DP17 as applicable in this case, whereby planning benefit would be achieved by removing a use that could cause residential amenity problems, namely a reduction in vehicle movements and traffic. However, there is no evidence that the current use of the site has caused amenity problems or that an alternative employment use would cause significant harm.
- 5.8 It is understood that the site has not been marketed for continued employment use, so no evidence has been submitted to suggest that an alternative business could not be operated from the site. Furthermore, there has been no assessment of the current levels of alternative employment land to establish whether sufficient supply and variety is available elsewhere to justify loss in this instance.

- 5.9 Given the assessment above, insufficient justification has been provided to demonstrate an exception should be made under DP17 to allow for the loss of an employment site.

#### Flooding

- 5.10 The majority of the application site, in particular the land on which proposed houses themselves would be located, is within Flood Zone 1, an area considered of the lowest flood risk by the Environment Agency. However, parts of the site, including the access, are within Flood Zone 2, assessed to be an area of medium flood risk. As the housing would be within Flood Zone 1, a sequential test is not required, however an assessment of the impact of the proposal on flooding elsewhere or the potential for the access to flood is required.
- 5.11 The applicant identifies that the access is above the designed flood level for a 1 in 100 year flood event and therefore it is considered that adequate access to the site can be achieved.
- 5.12 A suitable means of surface water drainage must be introduced to the site. The requirement to submit drainage proposals, including details of their future management, can be required by the imposition of planning conditions and would ensure surface water flooding is not worsened by the proposal.

#### Contaminated Land

- 5.13 The application is accompanied by a desk based Phase 1 assessment of contamination, which recommends a Phase 2 investigation is required and this is supported by the Council's Scientific Officer. A suitable condition to require those works to be carried out and findings submitted to the Local Planning Authority for approval could be attached should the application be recommended for approval.

#### Noise

- 5.14 The location of the proposed development adjacent to the East Coast Main Line gives cause for concern regarding the potential impact of noise on the amenity of future occupiers. Submitted in support of the application is a noise assessment that concludes suitable attenuation measures could be introduced to achieve appropriate living conditions for occupants. The environmental health service has raised no objections on this basis but has requested a condition requiring specific details of the methods to be used to be submitted for approval as these are not fully specified in the application.
- 5.15 A commercial building used for storage and distribution would remain adjacent to the site. While the introduction of dwellings in this location could conflict with the commercial use, there is nothing to suggest the operation presently causes a noise nuisance to existing neighbours or that this is likely to change in the future and the environmental health service has raised no concerns in that regard.

#### Ecology

- 5.16 The application is accompanied by a bat and breeding bird scoping survey that assesses the buildings proposed to be demolished. The report finds there is a lack of evidence to suggest any use by bats and that the surrounding landscape offers only low to moderate quality bat foraging habitat. The survey found there were swallows nesting in one of the buildings and recommends that demolition is undertaken outside the breeding season. The proposal is not considered to detrimentally affect protected species and implementation can be suitably managed so as not to have a detrimental impact on biodiversity.

### Housing mix

- 5.17 The proposed development consists of five detached dwellings each of four bedrooms, although the house types vary and there are different floor areas (plots 1 and 5 being larger than the others). However, these variations are not substantive and the scheme is for larger family homes.
- 5.18 Policy CP8 requires applications for housing to take account of local housing need in terms of the size, type and tenure proposed. Policy DP13 supports this and requires developers to work collaboratively with the Council in determining the appropriate housing mix. There is an identified need within the district for two and three-bedroom properties, which would not be addressed as part of this proposal. The supporting documentation submitted with the application asserts there is an existing supply of two and three-bedroom properties in the locality and the proposed four-bedroom houses would enhance that mix, allowing those with growing families to move to a larger property and therefore make smaller properties available. There is not, however, a robust assessment of housing need and availability in the local area to justify departing from the normal expectation that smaller homes are provided within developments.
- 5.19 While acknowledging policies within the Core Strategy were produced some time ago, this in itself does not mean they are out of date or not in conformity with the more recent requirements of the NPPF. The Council adopted a Supplementary Planning Document on Size, Type and Tenure of New Homes in September 2015 and has an up to date Strategic Housing Market Assessment (updated report published September 2016). Both identify the need for smaller housing units to address the shortfall across the district. It is therefore considered policies CP8 and DP13 remain relevant and have not been addressed as part of this application.

### Design

- 5.20 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.21 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.22 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.23 The Council's Statement of Community Involvement, adopted in 2013, requires applications for proposals that depart from the Development Plan to explain how public comments have influenced the chosen design.

- 5.24 The Planning Statement, incorporating a Design and Access Statement, describes the character of the surrounding area as a small conglomeration of properties, principally two-storey brick built dwellings with a smaller number of bungalows and materials including a combination of brickwork, render, pantiles and concrete roof tiles, which is the case. The properties in the area vary in style and period with some being converted agricultural buildings and this reflects development over time rather than a specific architectural style defining the character.
- 5.25 The proposed dwellings would appear appropriate to the location. Features such as bay windows and chimneys have been included, as well as soldier courses and stone sills to windows that provide detailing to enhance the overall design. The proposed dwellings are to be detached, two-storey properties with moderate gardens, similar to those already in the area. The proposed development would therefore be in keeping with the character of the area and would not detract from it.
- 5.26 No site features worthy of retention are identified, reflecting the poor quality of some of the buildings on the site that vary in style, materials and appearance but are principally of a basic nature suited to their commercial purpose but not reflecting the character of the surrounding residential properties in the vicinity.
- 5.27 The layout of the proposal follows a private drive to be taken from the existing access to the highway, running parallel to Station Road. Four of the proposed properties would have their rear gardens adjacent to Station Road with their principal elevation fronting the railway line to the east. The fifth property would form the end of the cul-de-sac with its principal elevation fronting south and its rear elevation facing north.
- 5.28 The proposed layout allows for a density of development that reflects the surrounding area, providing suitable garden space for each property as well as in-curtilage parking, two visitor parking spaces and a communal refuse store. The layout does however give limited aspect to the main road with rear gardens being adjacent to the site boundary, in addition the submitted noise assessment recommends a 1.8m close boarded timber fence to the east of the site to protect from noise, which would also assist in securing to site to deter trespass to the railway. Due to its orientation the garden to plot 5 would be more exposed to noise from the railway line and therefore a more substantial height of fence potentially on a bund could provide suitable mitigation. Although this would not immediately front Station Road, however its height would have the potential to impact the wider street scene, albeit this could be softened with a suitable landscaping scheme as indicated in the supporting statement, details of which could be secured by condition.
- 5.29 The Design and Access Statement does not refer to community consultation having taken place or informing the proposed design. Nor does the statement refer to alternative development options; however a previous submission for pre-application advice proposed a much larger scale of development that has been revised following officer advice.

#### Heritage assets

- 5.30 In response to the question asked by the Parish Council, there are no listed buildings on the site, which is not within a Conservation Area, and while one building on the site relates to its former use as a station yard, this is not considered to be a heritage asset. As such, there would not be an adverse impact on heritage assets as a result of the proposed development.
- 5.31 The Parish Council also asked whether the County Archaeologist will be inspecting the site. There are no known archaeological records relating to the site; however at the time of writing advice from the County Archaeologist is awaited. Any update on this will be reported to the meeting.

## **6.0 RECOMMENDATION**

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

1. The application site is currently in employment use. Redevelopment for housing would result in the loss of employment land and no justification has been established for that loss. The proposal is therefore in conflict with Hambleton Local Development Framework policies CP12 and DP17.
2. The proposal does not address housing need in the area, namely for smaller two and three-bedroom dwellings, as identified in the Council's Strategic Housing Market Assessment. The application therefore does not comply with Hambleton Local Development Framework policies CP8 and DP13 and guidance in the Council's Supplementary Planning Document on Size, Type and Tenure of New Homes.