

Parish: Kirkby
Ward: Stokesley
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Committee date: 25 May 2017
Officer dealing: Mr K Ayrton
Target date: 26 May 2017

17/00180/OUT

**Outline application for residential development
At Hill View, Hill Road, Kirkby in Cleveland
For Mr & Mrs Timothy and Heather Bone**

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 site is located on the southern edge of Kirkby in Cleveland. It forms part of a field with hedged boundaries and a field gate at the north east corner, accessed off a road which narrows and extends south, serving several isolated residential properties and a caravan park, leading to the North York Moors National Park.
- 1.2 The development plot forms part of a wider holding, which includes an attractive stone farmhouse (Hill View) to the north of the application site. The building has been assessed against the Council's Non-Designated Heritage Asset criteria. Due to its age, aesthetic value/appeal and townscape value, the farmhouse is considered to be a Non-Designated Heritage Asset.
- 1.3 The farmhouse is currently unoccupied and has its main elevation facing south onto the site rather than fronting the road. The other properties along the road are generally detached and front onto the road. One new dwelling is currently under construction to the north of Hill View, having received planning permission in 2016.
- 1.4 The character of the village is mixed, with a historic core based on a cruciform layout, with the site situated at the southern edge.
- 1.5 The application is in outline for the construction of two dwellings with all matters (i.e. appearance, landscaping, layout, scale and access) reserved for a later application should outline permission be granted.
- 1.6 Illustrative plans submitted in support of the application show two relatively large detached properties sited to front the road, with car parking to the rear. However, as all matters are reserved, these plans are for illustrative purposes only and have been given limited weight in considering the merits of the proposed development.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no planning history relating to the application site.
- 2.2 The following application was approved under the Interim Policy Guidance Note (IPG): 16/02525/MRC – Redevelopment of farm buildings to create five dwellings on land to the rear of Kirby House Farm; Granted 31 March 2017.
- 2.3 The dwelling mentioned in paragraph 1.2, adjacent to Cranimoor, was approved on 8 April 2016 (15/02775/FUL). However, this site is within Development Limits and therefore did not need to benefit from the IPG.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Kirkby-in-Cleveland Village Design Statement
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – Objects for several reasons, including:

- The site is outside Development Limits;
- The setting, below the North York Moors National Park, is especially sensitive.
- Hill Road is the only footpath for pedestrians to access the moors from the village. The development would cause a road safety hazard;
- The field is proposed as a Green Space in the new Local Plan;
- No plans are proposed for the empty farmhouse on site;
- The historic aspect of the village and its setting in the landscape would be damaged;
- The field immediately opposite was not considered suitable for affordable housing;
- Since the Interim Guidance was issued, approval has been given for six new dwellings; the approval of this application would be cumulatively harmful; and
- The other examples of approved development referred to in the planning application do not compare to the application site.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environmental Health Officer – No objection.

4.4 Public comments - 22 letters of objection received making the following comments:

- There is already a large amount of development approved along the road;
- The development will be visible from the Moors;
- The site is beyond Development Limits;
- Increase in the volume of traffic;
- The site has been nominated as a green space for the new Local Plan;
- Loss of good agricultural land;
- Cumulatively a large number of dwellings in the location is out of scale with the village;
- The design is out of keeping;

- Precedent for further expansion outside Development Limits;
- The development runs counter to the Village Design Statement;
- The Council has previously resisted developments in the locality due to impact on the character of fields, hedgerows and verges;
- The cruciform layout of Kirkby, with no tandem development, is an important character of the village. To extend south of the village towards the National Park would be detrimental to this character;
- The road is regularly used by walkers, horse riders and cyclists;
- Surface water and drainage has always been a problem in the village; and
- There is no need for additional expensive housing in the village.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

- 5.2 The site is located outside, but adjoins the Development Limits of Kirkby in Cleveland. 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 is 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) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.

- 5.5 In the Settlement Hierarchy reproduced in the IPG Kirby in Cleveland is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. In this instance, Kirkby is located approximately 1km from the Service Village of Great Broughton, which is readily accessible via a paved footway. Great Broughton and Kirkby can be viewed as an example of cluster villages, indeed they are identified as such in the IPG. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it will support local services.
- 5.6 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. However, this does not automatically mean that five dwellings would be appropriate in every settlement. The site is in close proximity to the recently approved five dwelling scheme to the rear of Kirkby House Farm to the north. However, that site is located behind the main frontage development and is therefore not viewed in the same context as the proposed development site. The dwelling under construction to the north is located within Development Limits. Even given the small scale of the village the cumulative impact would not change its character or form and is not considered to be harmful.
- 5.7 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment. In making this assessment it is noted that the application is in outline form only with all matters reserved. The plans submitted as part of the application are for illustrative purposes only. Therefore, they have been given little weight in forming the recommendation, which focuses solely on the principle of development. It is noted that several of the representations received have focused on the reserved matters that do not form part of this current application. Therefore at this stage, little weight can be given to representations on this basis.
- 5.8 It is recognised that the site would present some design challenges at reserved matters stage. This includes the orientation of Hill View (Non-Designated Heritage Asset) and the need for development to introduce a successful transition to the wider countryside beyond the site. Any new development would also need to reflect the built form of the village and be of a high quality design. However it is considered that development that would reflect the strong linear form of the village could be achieved on the site.
- 5.9 Concerns have been raised that this development would set a precedent for additional development in the village. However, other parts of Kirkby have notable constraints to development, including the beck to the west edge of the cruciform of development; and the potential for coalescence with Great Broughton to the east. Ultimately, each application has to be treated on its own merits.

Residential Amenity

- 5.10 The main impact to consider is in relation to the occupiers of Hill View, which is in the ownership of the applicant. It is considered that there is clear scope for a design to be achieved that would not result in an adverse level of harm to residential amenity.

Highway safety

- 5.11 Access is a reserved matter. However, the Highway Authority has raised no objection to the principle of development and it is considered that a suitable access to the site can be achieved.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwelling; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the means of access to the site; (e) the landscaping of the site.
 3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
 4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: vehicular turning and parking arrangements.
 5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 4 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal
 7. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

8. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 7 above.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In accordance with policy DP3 and in the interests of highway safety.
4. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
5. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
8. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

Informative

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 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 Hambleton District Council - Waste and Streetscene.

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.