

**Parish: Great and Little Broughton**

Committee date: 22 June 2017

Ward: Stokesley

Officer dealing: Mr K Ayrton

**4**

Target date: 23 June 2017

**16/02442/OUT**

**Outline application with details of access (all other matters reserved) for residential development of up to 75 dwellings**

**At OS Field 9348, Back Lane, Great Broughton**

**For Site Plan UK**

**This application is referred to Planning Committee as the proposal is for a major residential development and a departure from the Development Plan**

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

- 1.1 The application site is located to the east of Great Broughton, which is approximately 2km to the south east of Stokesley. Great Broughton accommodates a range of services and facilities and is categorised as a Service Village in the Settlement Hierarchy.
- 1.2 The settlement of Great Broughton is predominantly linear, formed along the B1257, which has a north-south axis. There is also development along Kirkby Lane, which passes centrally east-west, albeit this form is less pronounced.
- 1.3 The village is enclosed to the south and east by the hills along the edge of the North York Moors National Park.
- 1.4 The site is approximately 4.3 hectares in extent, and broadly rectangular in shape, with the red line application site including a proposed access linking the site with Green Balk, which runs parallel with the southern boundary of the site.
- 1.5 The site is grassland used as grazing for cattle. It includes four fields that are separated by hedgerow and fencing. The eastern part of the site includes historic strip fields. There is a cluster of agricultural buildings on the south west corner. The north, east and southern boundaries adjoin open countryside. The western boundary adjoins Back Lane, with residential development opposite. Back Lane itself is a relatively narrow road that is rural in character.
- 1.6 There are public footpaths that pass through the site, which spur off to link onto Back Lane at two separate points.
- 1.7 The application is in outline form for the development of up to 75 dwellings. The application is supported by an illustrative layout plan, which identifies the proposed access point and a high level illustration of how residential development, landscaping, open space and an attenuation basin could be provided on the site.
- 1.8 The only matter sought for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this application is approved.

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

- 2.1 None.

## **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 Policy CP5 – The Scale of New Housing  
Core Policy CP5a – The Distribution of New Housing  
Core Policy CP6 – The Distribution of New 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  
Core Strategy 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 DP6 - Utilities and infrastructure  
Development Policy DP9 – Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP13 - Achieving and maintaining the right mix of housing  
Development Policy DP15 - Promoting and maintaining affordable housing  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP31 – Protecting Natural Resources  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
Interim Policy Guidance Note – adopted by Council on 7th April 2015  
Supplementary Planning Document - Open Space, Sport and Recreation – Adopted 22 February 2011  
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
Supplementary Planning Document - Size, type and tenure of new homes – Adopted September 2015  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Policy Framework - published 27 March 2012

## 4.0 CONSULTATIONS

### 4.1 Great Broughton Parish Council – Objects for the following reasons:

- The site is outside Development Limits;
- The site was deemed unsuitable for housing in the new Local Plan;
- The development would extend the village eastwards and have a significant impact on the form of the village;
- Back Lane is a narrow country lane and provides direct access to a number of footpaths;
- The number of dwellings is disproportionate to the needs of the settlement and will place a heavy burden on the essential services;
- The number of dwellings proposed would equate to 20% increase and circa 200 extra vehicles on the road system; and
- The current Settlement Character Study recognises the need to preserve the rural character of Back Lane and the setting of the village from the east. It also recognises the importance of retaining the form of the strip fields to the east of Back Lane.

### 4.2 Kirkby-in-Cleveland Parish Council – Objects for the following reasons:

- The site is outside Development Limits;
  - The site is an ancient rig and furrow field, which has heritage value. The development would destroy this;
  - The development would change the physical character of the settlement;
  - The development would result in a 25% increase in the number of properties in one fell swoop. This is unsustainable for the infrastructure of the village; and
  - The number of children likely to be living in this number of dwellings could double the number of children in the local village school.
- 4.3 Highway Authority – The proposed vehicle access is off Green Balk, in a location outside the speed limit and remote from the rest of the settlement. Green Balk has no footway east of its junction with Back Lane.
- 4.4 The visibility splays required at the proposed site are obstructed by hedges which are not within the development site. To satisfy the Local Highway Authority the developer would need to demonstrate that the required visibility splays could be delivered within the application site and the public highway. The northern verge of Green Balk is approximately 2m wide. A mature hedge forms the highway boundary. The land behind the hedge is not part of the development site therefore the applicant is unable to provide a visibility splay with the required minimum 2.4m distance.
- 4.5 The proposed pedestrian access is via Back Lane which has a footway leading northwards that connects via a public footpath to the High Street at a point away from the local amenities and away from the pedestrian desire line. The southern section of Back Lane has insufficient width within the highway boundary to provide for two way traffic and a footway connecting to Ingleby Road which would accommodate the pedestrian desire line to local amenities. A pedestrian link along the site access road and Green Balk could be provided but has not been proposed.
- 4.6 Therefore it is recommended that the application is refused on highway grounds for the following reasons (summarised):
1. Inadequate visibility splays.
  2. No evidence to support and reduction in design speeds.
  3. Failure to provide a sustainable transport links for pedestrians.
  4. The indicative layout within the site would fails to restrain vehicle speeds to 20mph.
- 4.7 Environmental Health Officer – No objection subject to a condition requiring a contaminated land investigation and mitigation works.
- 4.8 NYCC Archaeology – The application has been accompanied by an Archaeological Desk Based Assessment and Geophysical Survey Report. The survey has mainly identified features relating to medieval and later agricultural use of the land in the form of furrows and drainage. There are a number of isolated responses that may represent ditches (features F & G in the report) but these run suspiciously parallel to the furrows and are also likely to be agricultural in origin.

The survey has not identified any features that appear to be of particular significance, although there are several that might be explored further through mitigation before or during development. NYCC recommend archaeological monitoring in the eastern part of the field containing features F & G and appropriate recording should they be of archaeological interest.

NYCC advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in

advance of development, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

- 4.9 North Yorkshire Police Architectural Liaison Officer – Makes recommendations for consideration at the reserved matters stage, should the outline application be approved.
- 4.10 Northumbrian Water - The application does not provide sufficient details with regards to the management of foul and surface water from the development. Therefore a condition is requested to secure details of this.
- 4.11 Ramblers Association – Objects due to two footpaths (FP20 & FP23) being affected.
- 4.12 Public comments – 78 objections making the following points:
- Back Lane already acts like a race track for drivers. Also acts as a shortcut for those living in Ingleby Greenhow;
  - The development will impact on the views from properties along Back Lane;
  - Unsustainable impact on services and facilities;
  - The development is far too big for a village of this size;
  - It will be a blot on the landscape;
  - One of the fields forming part of the site includes ridge and furrow;
  - Public transport is very limited;
  - Would have an adverse impact on the existing form of the village;
  - The development would generate excessive traffic on narrow roads and already congested streets;
  - The site is not a preferred site in the new Local Plan;
  - The development is too big. It would result in a 20% increase in the village;
  - The proposed site is entirely on the designated green corridor;
  - The development would obstruct one of the “key views” from the village;
  - The development would set a precedent for further future extension of the village along Ingleby Road/Green Balk;
  - The visual impact assessment does not include all viewpoints of the development (e.g. properties along Back Lane);
  - The transport plan is insupportable;
  - Back Lane is used by dog walkers and many elderly local people;
  - The development could have an impact on drainage;
  - There is already a site in the village for 30 dwellings;
  - There does not appear to be a local demand for further housing. There has been a large amount of development in the area, including large developments at Stokesley;
  - The construction period would cause huge disruption;
  - The Council’s own assessment of the site as part of the new Local Plan has identified several constraints associated with the site;
  - The Council has a sufficient housing supply;
  - The development would have a detrimental impact on the landscape, which is considered to be very sensitive to change.

One comment questions whether Great Broughton should be designated as a Service Village but that is not in itself material to the proposal.

## 5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location and the Council's housing land supply position; (ii) affordable housing; (iii) the impact on the character and appearance of the area; (iv) the impact on highway safety(v) flooding and drainage; (vi) biodiversity; and (vii) archaeology.

### Principle of development and housing supply

- 5.2 The site is located outside, but adjoins the Development Limits of Great Broughton. 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, Great Broughton is identified as a Service Village and therefore considered to be a sustainable settlement. Therefore the IPG could in principle support residential development. However, one of the main purposes of the IPG is to help deliver small scale development in the form of organic or incremental growth. Small scale is defined in the IPG as normally comprising up to five dwellings. Whilst there may scope in some instances for a development to exceed this guide, the proposed development of 75 dwellings is far in excess of this and the proposed development evidently cannot draw any support from the IPG.

- 5.6 The supporting planning statement alludes to the Council's housing supply and appeal decisions where planning inspectors formed the view that the identified supply

was insufficient to meet demand. This is in reference to an appeal decision relating to Stokesley, which was determined in September 2015.

- 5.7 The NPPF places emphasis on maintaining a five year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.
- 5.8 The Council has published a Strategic Housing Marking Assessment (SHMA - January 2016 – updated September 2016), which has been taken into consideration in more recent updates on the Council's five-year housing supply. The most recent (April 2017) assessment confirms an 8.5 years supply. This is a materially different position compared to when the Stokesley appeal decision was allowed. The current position was also supported in the determination of an appeal for housing at Primrose Hill, Dalton earlier this month, where the inspector determined the Council was able to demonstrate a five year supply of deliverable housing sites, even taking into account the most pessimistic scenario of delivery. (Note: the inspector concluded that the appellant had failed to demonstrate fewer than five years' supply, so she did not need to review the Council's claim of an 8.5 years supply.)
- 5.9 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development". However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits and contrary to the development plan. Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.10 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District in a manner that would be consistent with the principles of national and local planning policy, which is preferable to large scale unallocated sites outside Development Limits.
- 5.11 Were the Council to deviate from this plan led approach, there would be an impact on the wider infrastructure (e.g. highways, education) which is as yet, unplanned for. This is a significant area of concern that has been raised in the majority of public comments. No information has been submitted in support of the application to demonstrate that the local services and facilities would be able to meet the significant increase in demand that would be generated by up to 75 dwellings.

#### Affordable Housing

- 5.12 Policy DP15 requires the provision of 50% affordable housing in the Stokesley sub area. Whilst in outline form the agent has confirmed that the proposed development would meet this requirement (as opposed to 40%, which is referred to in the supporting planning statement). Whilst this commitment is welcomed, there is limited information in respect of viability and the actual ability to deliver this provision.
- 5.13 In terms of affordable housing need in the immediate locality and any argument for an exceptional case being made to support the proposals in terms of affordable housing need, surveys undertaken since 2011 have only identified a small demand for affordable housing in the parish of Great and Little Broughton and Greenhow. It is therefore considered that affordable housing need in the area can be met by proposals in line with the Development Plan and only limited weight is given to this issue in the balance of considerations.

## Character and Appearance

- 5.14 The site is rural in appearance and viewed in the context of the wider countryside. Whilst there is residential development adjacent to the western boundary, this turns its back onto the site and Back Lane forms a recognisable boundary to the village . The combination of boundary treatments and narrow road help to define the built up edge of the village and the transition to the countryside.
- 5.15 The road that would provide access to the site (Green Balk) has no pavement or street lights and is subject to the national speed limit. On leaving the village views are available of the North York Moors National Park. These factors all combine to represent a clear change in character from built up area, to open countryside and provide a distinct landscape setting for the village.
- 5.16 The Council's Settlement Character Study (2016), which forms part of the evidence base for the new Local Plan and was consulted upon at Preferred Options stage, identifies the opportunity to preserve the rural character of Back Lane and the setting of the village form the East and retain the strip fields to the east of Back Lane, which are partly included in the application site.
- 5.17 There are several broad scale national and regional landscape assessments that cover the area. However the North Yorkshire County Council Landscape Characterisation Project (May 2011) is the most pertinent and the land in which the proposed development lies is classed as "Vale Farmland with Dispersed Settlements". Within this category, the relevant characteristics are:
- A medium, large scale agricultural landscape which is delineated by a network of mature hedgerows, of containing hedgerow trees; and
  - Dispersed settlement pattern of farmsteads, small hamlets and villages.
- 5.18 The Characterisation Project also states "New development within historic villages may not be consistent with the historic form of the village...."
- 5.19 Great Broughton and its surrounding landscape conform to these categorisations but the village also has a specific settlement pattern which is closely related to the road network, particularly that between Back Lane and the High Street. The LDF's Development Limits for Great Broughton recognises this pattern.
- 5.20 The proposed development would extend some 230m eastward from the Development Limits. In addition, it would change the linear nature of development which is typical of the village and, particularly, its northern end. This proposed development would create a non-linear, block shaped extension to the village which would not be closely related to the road network and which would not be typical of the village.
- 5.21 The landscape most affected by this development proposal is that which lies immediately north, east and south of the proposed development site. This landscape meets the NYCC Landscape Characterisation Project's Key Characteristic for the "Vale Farmland with Dispersed Settlements" of "medium, large scale agricultural landscape which is delineated by a network of mature hedgerows, often containing hedgerow trees." Belts and blocks of woodland are not characteristic of the landscape immediately east of the village and are found some 0.6 - 1.0 km distant to the east, south and west. The extensive boundary planting proposed in mitigation would tend to appear more akin to a woodland block when viewed from external locations, than the landscape described in the Landscape Characterisation Project. The current openness of this landscape would also be harmed through the significantly sized development and heavy landscape treatment.

- 5.22 The supporting Landscape and Visual Impact Assessment (LVIA) has identified a series of viewpoints, predominantly east of Great Broughton and along the road and footpath network. It has also assessed the relationship with the important existing settlement edge along Back Lane.
- 5.23 The potential impact on views from the western edge of the North York Moors National Park is deemed to be negligible and it is an opinion which is concurred with due to the distance and the very small scale of the development within the view. It is also accepted there are no views from the nearby Scheduled Ancient Monuments and heritage sites.
- 5.24 Views from the footpath network crossing the proposed development site and traversing its northern boundary and an unidentified view from the western end of the derelict rail embankment would be adversely affected for the purposes of assessing the magnitude of the visual impact of the development. This would result from the proportion of their view, particularly toward the North York Moors, being filled with the houses of the proposed development. It is an effect which cannot be dealt with by mitigation and it would be permanent. In addition, there is clear evidence that Back Lane is also a walking route so views from this route would be similarly affected.
- 5.25 Road users on the B1257 would have no view of the development proposal due to the existing settlement properties lining the route. However, those drivers on Ingleby Road/Green Balk would have views travelling in both directions. This route is more than 'an attractive rural lane' (paragraph 4.39 in the supporting LVIA) as it is clearly an important route to and from the North York Moors National Park. Drivers (identified as visual receptors for the purposes of assessing visual impact) using this route tend to travel at modest speeds and are attentive of their surroundings. This is clearly acknowledged in the proposal demonstrated by the amount of screen planting proposed on the southern and eastern boundaries as well as along the proposed access road and is indicative of the level of detrimental impact on the character of the landscape.
- 5.26 The above comments lead to the conclusion that the proposed development would have a significant impact on the character of the eastern landscape of the village. The development is large scale relative to the village and the landscape; it does not respect the existing settlement pattern; and would permanently alter a significant proportion of the landscape to the detriment of the surrounding landscape character.
- 5.27 The proposed development would also have a significant adverse visual impact on views from local roads and footpaths. This is acknowledged by the scheme itself by the extent of the mitigating landscape proposed, which in itself, would be out of character with the immediate landscape east of the village.
- 5.28 Therefore the proposed development is contrary to policies CP16 and DP30, which aim to protect or enhance the openness, intrinsic character and quality of the District's landscape.

#### Highway Safety

- 5.29 Access is the only matter for consideration at this stage. The proposed vehicular access is off Green Balk / Ingleby Road. The supporting Transport Statement described the new access as a priority junction (i.e. standard road junction). Additional pedestrian access points are proposed at the north-west corner of Back Lane. No details of the internal access arrangements and car parking have been provided at this stage as layout is a reserved matter.



- 5.30 The Highway Authority has raised an objection on the basis of inadequate visibility splays and a failure to provide sustainable transport links for pedestrians and this is accepted as a reason to refuse permission.

#### Flooding and Drainage

- 5.31 The site is located within Flood Zone 1 (lowest probability of flooding). Whilst in outline form, the indicative site plan identifies an attenuation basin within the site. However, the supporting flood risk assessment confirms that a detailed drainage strategy has yet to be designed, but it concludes that the site can be operated with minimal risk from flooding and would not increase flood risk elsewhere. Northumbrian Water has recommended a condition with regards to the management of foul and surface water from the development.
- 5.32 Subject to details, which could be controlled by condition, the proposal would not therefore increase the risk of flooding in the vicinity of the application site or elsewhere in the catchment.

#### Biodiversity

- 5.33 The application is supported by an extended phase 1 habitat survey. This identifies that the site is characterised predominately by grazed poor, semi-improved grassland divided into four fields by fences and hedgerows, with a narrow band of grassland extending from the centre of the southern boundary to join Green Balk Road to the south. A small area of hardstanding is situated in the southwestern corner, supporting three farm buildings. Broadleaved trees are scattered along the field boundaries, whilst an area of plantation woodland is situated to the west of the hardstanding area.
- 5.34 The report concludes that as the site supports features and habitat suitable to support nesting birds and roosting bats, appropriate mitigation should be incorporated into the development plans to minimise any potential adverse impact on these species both during the construction and operational phases of the proposed development. The report also makes recommendations for the detailed design stage.
- 5.35 The above findings allow the conclusion to be formed that, subject to appropriate measures, the development would not be harmful to biodiversity, with opportunities to deliver enhancements. Therefore the proposal accords with the requirements of policy DP31 in that it would not result in significant harm to sites and habitats of nature conservation.

#### Archaeology

- 5.36 The application has been supported by an Archaeological Desk Based Assessment and Geophysical Survey. The Desk Based Assessment concluded that although the site appears to have relatively low archaeological potential this impression may in part be due to a relative lack of any previous nearby archaeological investigations. The Geophysical Survey identified extensive survival of medieval ridge and furrow earthworks and other potential archaeological features.
- 5.37 This information has been reviewed by North Yorkshire County Council Archaeology and they have advised that the survey has not identified any features that appear to be of particular significance, although there are several that might be explored further through mitigation before or during development. Therefore a condition is recommended to secure archaeological monitoring in response to the ground-disturbing works.

## 6.0 RECOMMENDATION

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

1. The proposal would extend residential development outside of the Development Limits of Great Broughton. No exceptional case for development beyond the Development Limits, as allowed for by Policy CP4, has been made. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would be contrary to Local Development Framework Policies CP1, CP2, CP4, CP6, CP16, DP8, DP9 and DP30 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.
2. The proposed development will have a significant impact on the character of the eastern landscape of the village. The development is large scale relative to the village and the landscape does not respect the existing settlement pattern and permanently alters a significant proportion of this landscape. The proposed development would also have significant adverse visual impact. Therefore the proposal is contrary to Local Development Framework Policies CP16 and DP30, which seek to protect the openness, intrinsic character and quality of the District's landscape
3. In the absence of a signed Planning Obligation the proposal fails to deliver an appropriate level of affordable housing contrary to Policy CP9, CP9a and DP15 of the adopted Hambleton Local Development Framework as amplified by the Adopted Affordable Housing Supplementary Planning Document.
4. The Planning Authority considers that clear visibility of 215m commensurate with 60mph National Speed Limit cannot be achieved in both an easterly and westerly direction along Green Balk from a point 2.4m back from the carriageway edge measured down the centre line of the access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. The Planning Authority considers that the applicant has failed to supply sufficient information to justify any reduction in design speeds below the 60mph National Speed Limit in operation on Green Balk at the proposed access. The proposal is therefore in conflict with the requirements of Policy DP3 of the Hambleton Local Development Framework
5. The Planning Authority considers that the applicant has failed to provide a sustainable transport link for pedestrians on the desire line leading to local amenities. The proposal therefore fails to comply with the requirements of Policies CP2 and DP3 of the Hambleton Local Development Framework.