

Parish: Stokesley

Ward: Stokesley

10

Committee date: 14 September 2017

Officer dealing: Mr K Ayrton

Target date: 15 September 2017

17/00877/FUL

**Construction of 45 retirement living apartments, 8 affordable apartments, provision of communal facilities, car parking, substation, landscaping and associated access
At Land East of White House Farm, Stokesley
For McCarthy & Stone Retirement Lifestyles Ltd**

This application is referred to Planning Committee as the application is for a major development.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located on the western edge of Stokesley and is approximately 0.72 hectares in extent. It is currently used for grazing. The boundaries accommodate hedgerows and trees, which form a particularly strong feature along the eastern boundary. The town centre of Stokesley is approximately 500 metres to the east and is accessible by footpath along Westlands.
- 1.2 The Riversdene/Riverslea housing estate is located to the east, which accommodates a mix of 1970s two storey dwellings. The estate is accessed via Riverdene road, which extends along the eastern boundary of the site. To the north is the recently approved Taylor Wimpey development (178 dwellings). The dwellings at the front of the site have started to be occupied. As part of the development, a new roundabout has been constructed.
- 1.3 White House Farm is located to the west of the site, where outline planning permission was granted in 2016 to redevelop the site with 25 dwellings. As all matters were reserved, the scale of development has yet to be determined.
- 1.4 The land to the south is open countryside with long distance views to the edge of the North York Moors National Park.
- 1.5 The proposed development would deliver a high-density development, equating to 73.6 dwellings per hectare. This would comprise two main elements. The retirement living apartments accommodated in a mainly 3 storey L-shaped building, which has a shorter frontage onto Westlands and a longer arm extending back to the rear of the site. The supporting planning statement confirms that the accommodation will be limited to persons over 60. The accommodation is not 'supported', with only a site manager offering a small degree of 'supervision'.
- 1.6 The affordable housing is delivered in the form of a two storey block of development located at the north eastern corner of the site.
- 1.7 48 car parking spaces are proposed, located along the eastern edge of the site, either side of the new vehicular access proposed off Riverslea. 12 spaces are allocated to the affordable units and 32 spaces to retirement living apartments. No cycle parking is provided.
- 1.8 During the consideration of the application, feedback was given to the agent, including comments on the proposed design. In response, amended plans were

submitted, making some minor amendments to the design of the affordable housing block.

- 1.9 The tip of the south east corner of the site is located within flood zone 2.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 Relevant planning applications relating to the surrounding area include:

15/01943/REM - Application for Reserved Matters for the construction of 178 dwellings – Approved 25/11/2015

14/00714/OUT - Housing development (Use Class C3) up to 183 dwellings, landscaping, means of access and associated infrastructure works – Approved 02/10/2014

11/01300/OUT - Outline application for the construction of up to 213 dwellings, employment use (class B1) up to 2,900 sqm including means of access – Appeal Allowed in Part (relating to the employment element) – 29/05/2013

14/02578/OUT - Outline application for the construction of 25 dwellings with all matters reserved excluding access – Approved 25/04/2016

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 CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP20 - Design and the reduction of crime
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP34 - Sustainable energy

Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
Affordable Housing - Supplementary Planning Document - June 2008
Size, type and tenure of new homes – Supplementary Planning Document – Sept 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Town Council – Make the following comments:

- The design and access statement contains errors, making reference to South Shields. Has the Stokesley proposal been properly evaluated on its own merits?
- Do not accept that the level of parking proposed is adequate.
- The arguments that the site is close to frequent public transport is false.
- Access from the roundabout would be the preferred option. Would the addition of extra traffic using Riverslea require a further roundabout to be constructed on Westlands?
- Some of the services and facilities in the supporting report are a greater distance than suggested.
- We do not consider that the design has taken on board comments from the Town Council. The I-shaped made of 3 floors is inappropriate.
- What impact will the development have on the potential flooding of surrounding land?
- Why can the design not allow for the retention of the tree on Riverslea?

4.2 Highway Authority – In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The proposed development is primarily a development for active retired residents along with a block of affordable apartments. The number of parking spaces for this type of development has been questioned at other developments however this development appears to have adequate parking based on observations of other similar developments elsewhere.

The proposed development will connect to the public highway in Riverslea which is connected to Westlands. The design standard for the site is MfS2 and the required visibility splay is 2.4 metres by 43 metres. The available visibility on Riverslea is adequate.

Consequently, the Local Highway Authority recommends that conditions are attached to any permission granted.

4.3 Northumbrian Water - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request a condition seeking this information.

4.4 Archaeology - I 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.

- 4.5 Environment Agency - In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework. Our flood risk standing advice reminds you of this and provides advice on how to do this.
- 4.6 Although we have no objection to the proposed development we recommend that the developer considers including measures to mitigate the impact of more extreme future flood events. Measures could include raising ground/ finished floor levels and/ or incorporating flood proofing measures.
- 4.7 Contaminated Land - No objections, subject to conditions.
- 4.8 Public comments – 11 letters of objection received making the following comments:
- The 3 storey buildings are not in keeping with the surrounding area.
 - There are alternative locations with better access to public transport and local amenities.
 - Concern about noise levels and traffic in Riverslea.
 - Disagree with the idea that retirees do not need a car.
 - The current entry to Stokesley is a beautiful one and the design of the building does not fit the look of the town, in my view, and would be a disappointing first impression to visitors.
 - Negative impact taking away and destroying the scenery of the North Yorkshire moors.
 - Building design seems bland, almost ultra modern, consider the character of the area.
 - The ugly, barrack-room style and height of this proposed development is totally out of keeping with the rural nature of the surrounding country side.

2 letters of support received making the following comments:

- There is a need for retirement living for persons who want to move from nearby villages into Stokesely.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location including the need for the development (ii) affordable housing provision; (iii) the design of the scheme and the impact of the development on the character and appearance of the area; (iv) impact on residential amenity; (v) highway impact; and (vi) flood risk.

Principle of Development

- 5.2 The site is located outside, but adjoins the Development Limits of Stokelsey, which wrap around the north, east and western boundary of the site. 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.

- 5.3 The submitted application recognises this but presents the argument that there is an exceptional need for the type of development proposed, which should be considered a material planning consideration. In planning use class terms, the development falls within the general use class for housing – C3. This is not disputed by the applicant.
- 5.4 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.
- 5.5 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 8.5 years supply. The current position was supported in the determination of an appeal for housing at Primrose Hill, Dalton earlier this year, 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.)
- 5.6 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. It is also considered that having regard to paragraph 215 of the NPPF, the relevant policy (CP4 – Settlement Hierarchy) is considered to be consistent with the NPPF and should therefore be given significant weight. This has not been disputed by the applicant in their submission. However, it is recognised that a balanced view still needs to be taken, in light of the NPPFs presumption in favour of sustainable development.
- 5.7 The supporting 'Planning' and 'Needs' statements state that whilst the use class of development falls within C3, this type of development will meet a specific need (older persons over 60 years) for development that is particularly high in this part of the District.
- 5.8 Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 5.9 National Planning Practice Guidance advises that in decision taking, evidence that development proposals for accessible and manageable homes specifically for older people, will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes. However, the guidance does not state that this overrides all other policy considerations (e.g. Development Limits). It simply states that it is a factor that 'supports the approval'.
- 5.10 The submitted Needs Statement is extensive. It makes reference to several reports and studies identifying the need for housing accommodation for older people. This need is not disputed by the Council. However, there is limited evidence to

demonstrate that this need is not already being met by the existing Development Plan.

- 5.11 The County Council is currently advising the planning policy team in preparing the new Local Plan and meeting future housing needs, including those of older people. They are advising that there will be a need for extra care housing in the Stokesley area (this includes Great Ayton, Rudby, Swainby, Broughton and Greenhow) for 66 units by 2020. As there are already 40 units provided at Town Close in Stokesley, there is a need for approximately 26 additional units. By 2025 the number rises to 79 (requirement of 39 units), and by 2039 (requirement of 48 units). However, the development plan already allocates a site in Great Ayton (Cleveland Lodge) that will meet this need for extra care housing (at a minimum). There is a current application (15/02856/FUL) at appeal for 80 apartments and a more recent application (17/01180/FUL) for a reduced scheme of 69 units (comprises 57 apartments and 12 bungalows). Whilst consent has yet to be granted, this demonstrates a clear intent to deliver development on the site. Two large housing schemes have also recently been granted planning permission in Stokesley. The site opposite the application site will deliver 178 dwellings and is currently under construction; and the site on Tanton Road will deliver 225 dwellings, with work expected to start in the short term. Both sites will deliver a mix of dwellings, many of which will be capable of accommodating older people.
- 5.12 Whilst it is accepted that the identified need should not necessarily act as a cap to allowing additional housing development, it demonstrates that the 'exceptional' case being presented by the applicant to develop beyond the development limits, cannot be supported. However, it is accepted that the site does have some benefits in that its locational 'sustainability' is comparable with the recent housing permissions granted to the north and west of the site; and it is effectively enclosed on three sides by development, therefore there is scope to develop the site in a manner that would potentially not cause significant harm to the character and appearance of the wider countryside.

Affordable Housing

- 5.13 Policy DP15 requires the provision of 50% affordable housing in the Stokesley sub area. The application proposes 8 affordable apartments comprising a mix of 4, 2-bed and 4, 3-bed units. In addition to this falling short of the 50% requirement, it also comprises Discounted Market Housing (70% of Market Value), as opposed to a mix of social rented and intermediate properties, as is required by the Affordable Housing SPD. The applicant submitted a viability appraisal, setting out their justification for this offer.
- 5.14 The Council has sought the advice of the District Valuer to assess the findings of the viability appraisal. The advice is that the scheme cannot afford the whole of the affordable housing required by policy. However, it is considered that the development is able to deliver 15% on-site affordable in accordance with the specified tenure mix.
- 5.15 This was fed back to the applicant and they made a counter offer of 15% on-site affordable housing comprising 100% social rented properties. Broadacres have advised that they would be happy to take on the affordable units at transfer value and the Council's housing officers have confirmed that the provision would be acceptable.
- 5.16 It should be noted that the applicant has stated that whilst they have made the above offer, they dispute the findings of the District Valuer, and were to withdraw this offer were planning committee not to approve the application. The Council has requested that the applicant sets out the specific areas of dispute so that these can be properly considered, particularly as this could be revisited in the future were the application to

be approved. This information has been received and is being considered by the District Valuer. Further information on this element of the scheme will be reported to Planning Committee.

- 5.17 Considering that the ability to deliver the full affordable housing requirement is an accepted constraint, this adds weight against allowing the scheme beyond the development limits. The applicants supporting documents suggest that it is highly likely that the site will be allocated for residential development in the new local plan. Reference is made to the Preferred Options version of the emerging Local Plan, which identifies the site as a Preferred Option. However, the new Local Plan is still at an early stage and more detailed consideration needs to be given to the deliverability of the site and wider compliance with planning policies (e.g. ability to deliver affordable housing). This will be a factor in ultimately deciding which sites will be allocated. This will be a matter to be considered and debated as part of the new local plan process. The new Local Plan is not considered to bear any weight in the determination of this application at this stage.

Design and the impact on the character and appearance of the area

- 5.18 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."
- 5.19 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.
- 5.20 The National Planning Policy Framework 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."
- 5.21 The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.22 The application has been supported by a Design and Access Statement. The statement describes the site and surrounding area along with the more historic core of the market town, where the density and height of development is higher than compared with that immediately around the application site. A 'site opportunities' plan is included, which identifies the surrounding 2 storey development. It is noted that the plan includes the illustrative layout plan for the approved 25 dwellings scheme to the west of the site, which indicates 2.5 storey dwellings. However, as set out earlier in this report, scale is a reserved matter and has yet to be determined.
- 5.23 The statement goes on to justify the design and includes the following statements:
- The development will respect the scale and character of the immediate area.

- The storey heights sit lower than the ridge line of the adjacent Stokesley Grange development whose combination of two and two & half storey heights are higher due to its high ground level.
- The facades are articulated employing recesses and projections which naturally articulate the associated roof scape to respect the Stokesley vernacular.

5.24 The proposed development is of a high density, with a height that is not in-keeping with the surrounding area. This is not necessarily a reason in itself to refuse the application. However, the design and access statement has not provided any real justification for such a high density of development in this location. Indeed there appears to be a reliance on development in the town centre, which is not viewed in the same context as the application site. It is recognised that there are some elements of design that have been introduced to break down the scale and massing of the building. This includes breaks in the roof line, projecting gables and variety in the palette of materials. The building is also set well back from the site frontage; and the recent construction of the roundabout on Westlands also introduces a more urban feature to the surroundings. However, the overall mass and density of development is still significant and is not reflective of anything within the context of the site.

5.25 The height of the affordable housing block is more acceptable and relates better to the residential development to the east. However, its appearance is of a lower quality when compared with that of the retirement living block. Amended plans were received during the consideration of the application, which included the introduction of some additional architectural detailing, including stone parapets and banding. The design is still not considered to be of the highest quality in its own right. However consideration needs to be given to the site's context, which contains a mixture of development of comparable quality.

5.26 The affordable housing element emphasises the step up in height to the three storey retirement living when viewed from Westlands.

5.27 On balance, it is considered that the amount of development being proposed on the site is too high and more akin to what would more typically be found in a more central, urban location. Considering its context, which is on the edge of the built up area of Stokesley, it is felt that the design, most notably the amount and scale of development, would result in harm to the character and appearance of the site and surrounding area. Considering that the principle of development is in question and an exceptional need for the development has not been adequately demonstrated, this adds significant weight against the development.

Impact on residential amenity

5.28 Whilst there is residential development to the north and east of the site and outline permission for the site to the west, it is considered that the separation distances provided will ensure that there will be no adverse impact on neighbouring residential amenity. Whilst the development will undoubtedly have an impact on private views to the south, this is not a material planning consideration.

Highway impact

5.29 The local highway authority has considered the proposed development, including the supporting Transport Statement. They have raised no objection having taken the view that satisfactory visibility splays can be provided and sufficient on-site car parking has been provided.

Flood Risk

- 5.30 The south eastern tip of the site is located within flood zone 2. The comments from the Environment Agency have been noted. However, no development is being proposed on this part of the site. Therefore it is not considered that the development would result in an increased risk of flooding.

6.0 RECOMMENDATION

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

1. The proposed development would extend residential development outside of the Development Limits of Stokesley. It is considered that 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 Policy CP4, and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system. Consideration has been given to the NPPF's presumption in favour of sustainable development and it is accepted that the site does have some benefits in that its locational 'sustainability' is comparable with the recent housing permissions granted to the north and west of the site; and it is effectively enclosed on three sides by development. However in the overall planning balance of considerations the proposal would deliver an amount of affordable housing that is below the requirements of policy CP9 and the design is considered to be more akin to what would more typically be found in more central, urban location, which would result in harm to the character and appearance of the site and surrounding area, contrary to Local Development Framework Policies CP16 and DP30, which seek to protect the openness, intrinsic character and quality of the District's landscape; and Policies CP17 and DP32, which require developments to be of the highest quality that take into account local character and settings, and promote local identity and distinctiveness. Both these requirements are consistent with the NPPF.