

**Parish: Great Ayton**  
**Ward: Great Ayton**  
**7**

**Committee date: 12 October 2017**  
**Officer dealing: Mr P Jones**  
**Target date: 8 September 2017**

**17/01180/FUL**

**Extra care housing comprising 57 apartments with communal lounge, dining, kitchen, laundry, offices, garden and car parking area, 12 detached bungalows with single garages and private drives, new access road and new surface water drain and attenuation pond**

**At Cleveland Lodge, Great Ayton**

**For Tolent Construction Ltd., Housing and Care 21 and Bennet Ltd.**

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

- 1.1 The site is located off the east side of Newton Road, approximately 400m east of High Green. The site is on the north side of the private access road to Cleveland Lodge, a grade II listed building. Cleveland Lodge lies approximately 100m beyond the site. The land rises gently at the eastern end. The site is bounded on the north and west side by a belt of trees. There are additional individual trees along the drive. The trees are subject to Tree Preservation Orders. A public right of way runs east-west approximately 150m to the south of the site. The area of the site is just over 1 ha.
- 1.2 To the north of the site, beyond the tree belt, the site backs onto bungalows on Roseberry Crescent and two storey houses on Farm Garth. Beyond the north-west corner of the site is a detached two-storey brick house with decorative brick work, possibly a former lodge. Opposite the site, on Newton Road, the existing development is mainly two storey housing, in terraces.
- 1.3 The application breaks down into two main areas: twelve bungalows at the north east end of the site and an apartment block at the south west end. Materials would be red and brown brick in a variety of tones, with a grey tiled roof. These materials would be offset by a lighter grey brick and dark grey cladding. A single panel of white render would highlight the main entrance.
- 1.4 The application includes the construction of twelve open market bungalows, which are intended to increase the viability of the scheme. These units, whilst open market, would only be available to those who are over 55 years of age.
- 1.5 The bungalows would be set out on a fairly standard layout on the north east end of the site, as the land begins to slope gently upwards towards Cleveland Lodge. The bungalows would be built as two bedroom units but with the option of the use of the roof space for additional accommodation if needed.
- 1.6 The apartment block would provide accommodation in accordance with the Extra Care standards set out by the County Council. The accommodation comprises:
- 35 one bedroom apartments;
  - 22 two bedroom apartments;
  - A commercial kitchen/café;
  - A lounge;
  - A hair salon
  - An assisted bath and shower room;
  - A manager's office;
  - A care office;
  - An electric buggy store and charging area; and

- A guest bedroom.
- 1.7 The development would be accessed from Newton Road via the existing site entrance with modifications to wall positions in order to improve access and visibility. Dropped kerb crossings would be provided to facilitate crossing of Newton Road. A total of 52 car parking spaces would be provided on site with 28 spaces being for the purposes of the Extra Care facility.
  - 1.8 The major part of the site is allocated in the Hambleton Local Development Framework under SH4 for very sheltered housing. The development extends eastwards approximately 70m beyond the allocated site, such that seven of the twelve bungalows would be located outside the allocated site.
  - 1.9 Northumbrian Water (NW) has a flood alleviation project on Cleveland Lodge land to the south of the application site, which is separate from the planning application but which is planned to be implemented alongside it.
  - 1.10 The application was submitted with ecological, historic environment, drainage, arboricultural and transport assessments along with a proposed travel plan for the site, a planning and heritage statement and a design and access statement.
  - 1.11 Improvements to the layout and the detailed design of the buildings were secured at the pre-application stage.

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

- 2.1 15/01400/FUL - 44 extra care units with associated community facilities (Use Class C2) and a 40 bed residential care home (Use Class C2); Withdrawn 18 January 2016.
- 2.2 15/02049/LBC - Repositioning of boundary wall (to facilitate the access associated with application 15/02856/FUL); Pending determination.
- 2.3 15/02856/FUL - Retirement village (Use Class C3) comprising 80 apartments and associated community facilities (element of extra-care); Refused 25 November 2016, appeal in progress.

The reasons for refusal were:

1. The proposed development is considered to have a detrimental impact on the character, form and appearance of Great Ayton due to the three storey development form, massing and design of the proposed buildings. The proposals fail to accord with the requirements of Core Policy CP17 and Development Policies DP28, DP30, and DP32 which seek to protect heritage assets, the character and appearance of the countryside and to achieve high quality design.
2. The proposed development fails to accord with the requirements of Allocation Policy SH4 of the Hambleton District Local Development Framework, which sets out the context for the development of this site. The allocation seeks a development which is "Very Sheltered Housing" (independent housing with an element of close/extra care for the elderly). The proposals fail to provide a suitable form of sheltered accommodation and extra care facilities as required by the allocation.
3. The car parking provision is considered to be insufficient to provide for the car parking requirements for the site. Due to the width of Newton Road, and the level of on-street parking in the vicinity of the access point, any level of

overflow parking onto the neighbouring road is likely to result in congestion having a detrimental impact on road safety, contrary to the requirements of Core Policy CP2 and Development Policy DP3 and DP4 which seek to provide for the provision of sustainable forms of transport and ensure safe and easy access for all.

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP4 - Settlement hierarchy  
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  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
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 DP32 - General design  
Development Policies DP43 - Flooding and floodplains  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Allocation Policy SH4 – Cleveland Lodge, Great Ayton  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Parish Council – Objects on the grounds summarised below:

- The site is now very much larger than was originally envisaged (0.8Ha); each new application represents an increase in the area of the site;
- The bungalow dwellings create an albeit small estate which will exaggerate the traffic movements into Newton Road and the village;.
- Parish Council representatives in discussion with the applicant were told that the bungalows would be “sheltered dwellings” mirroring the sheltered apartments with two bedrooms and the like Three and four bedroom properties with garages are far from the spirit of such conversations;
- The access to the village centre is very much compromised by the narrow footways at the lower end of Newton Road. Discussion involved the possibilities of a path being created on the applicant's land by-passing the narrow and potentially dangerous pinch point. The potentially dangerous pinch point has been ignored by the applicant and NYCC in their consideration of creating “sheltered accommodation” which inevitably will include buggies and possible relatively infirm pedestrians accessing the village centre; and
- The attenuation pond to hold floodwater raises questions in respect of the viability of such a scheme when the floodwater from Roseberry estate combined drainage system includes sewage. Raw sewage in a holding attenuation pond; a holding tank would be more appropriate.

4.2 Highway Authority – No objection subject to conditions.

4.3 NYCC Heritage Service – No objection.

- 4.4 North Yorkshire Police Architectural Liaison Officer – Makes a number of recommendations about security which can be dealt with by condition.
- 4.5 Environmental Health Officer – No objection subject to conditions about external lighting and air extraction.
- 4.6 Northumbrian Water - At present, there is insufficient capacity within the public sewerage system to accommodate the surface water flows from the development site without increasing flood risk within the catchment where there are already properties that suffer flooding. However, there has been positive dialogue with the landowner regarding a collaborative surface water drainage solution which would not only reduce the flood risk to properties but would also provide a sustainable drainage outlet and storage for the development site. This scheme is referenced in the submitted Flood Risk Assessment, however as the full details have not yet been agreed, an appropriate condition is requested.
- 4.7 Ramblers Association – No objection.
- 4.8 Public comments – ten letters of objection have been received, citing the grounds summarised below:
- Detrimental impact on road safety on Newton Road;
  - No improvement over the previous refused application;
  - There is no capacity at the local health centre for this development;
  - Previous reasons for refusal still stand;
  - Too many materials would be used;
  - Security lights will be intrusive;
  - Trees will not receive sufficient water;
  - Insufficient car parking provision;
  - Local footways are too narrow;
  - Bus stops in the vicinity which lead to highway safety problems due to conflict with road users;
  - The proposal extends beyond the allocation site;
  - The bungalows are not needed to make the scheme viable; and
  - The village needs more family housing, not elderly persons housing.
- 4.9 Thirteen letters of support have been received, which are summarised below:
- Affordable apartments will be good for the village;
  - This scheme is much overdue and is in a beautiful location;
  - There are no other suitable sites within easy walking distance of the village;
  - The scheme will allow elderly to downsize and stay in the village;
  - Much better design than the refused scheme;
  - The development will be a boost for the local economy; and
  - The proposed attenuation pond will benefit this part of the village.

## **5.0 OBSERVATIONS**

- 5.1 The majority of the site is within the Development Limits of Great Ayton where there is a good range of services available. The majority of the site is also allocated in the current Local Development Framework allocations document for very sheltered housing. The allocation notes that this is independent housing with an element of close/extra care, at a density of at least 70 dwellings/ha, and 50% affordable housing. As such the principle of development is not in question and the determination of the application should turn on detailed assessment of the proposal, including how closely it conforms to the Allocation.

- 5.2 The proposed development extends eastwards beyond the allocated site by approximately 70m. Overall the density would be approximately 70 dwellings per hectare. In formulating a scheme that responded to the identified needs of the community in order to create policy compliant scheme in terms of affordable housing the applicant has sought to increase the viability of the scheme to an acceptable level through the extension of the site beyond the allocation and the construction of open market bungalows. The applicants have indicated that they were unable to make the scheme viable and able to include the proposed level of affordable housing without the open market bungalows. It is not unusual for development proposals to extend beyond the allocation boundaries and it is considered that the proposal can continue to be assessed against the other relevant policies prior to final consideration of acceptability.
- 5.3 The key issues to be considered are: (i) whether the development would deliver appropriate affordable and extra care housing as required by Policy CP9 and the detail of the allocation; (ii) design and the likely impact on the setting of the Listed Building and the surrounding parkland; (iii) the likely effect on trees and ecology; (iv) residential amenity; (v) highway safety; and (vi) flood risk.

#### Affordable and extra care housing

- 5.4 The applicants have submitted a detailed affordable housing statement with the application setting out how the proposed development would work in terms of affordable housing and care provision.
- 5.5 There is a 50% requirement for affordable housing in the allocation and as such an expectation that 35 of the proposed 69 units are affordable housing.
- 5.6 The applicant proposes that 40 of the units will be affordable in terms of the Council's Supplementary Guidance on affordable housing, equating to 58% affordable provision.
- 5.7 The applicants propose the following breakdown of tenures:

#### Affordable Units

- 17 Apartments for affordable rent
- 23 Apartments for shared ownership

#### Market Units

- 17 Apartments for 100% open market ownership
- 12 Bungalows for 100% open market ownership

- 5.8 The applicants propose that rent levels and values for shared ownership would be set by the Council in conjunction with Housing and Care 21 who are a Registered Provider and will comply with the Council's adopted Affordable Housing SPD.
- 5.9 In terms of extra care and very sheltered housing provision again the applicants have set out a detailed statement explaining the nature and form of the proposed care offer within the development. Extra Care is defined as housing that supports older people to live independently in their own home. Extra care developments provide purpose built apartments in a community setting, with access to on-site care and support services that can be tailored to the occupiers needs. The applicant in designing this scheme has made provision for additional facilities including communal areas and on site catering, scooter storage and charging, a lift and access to a range of services on-site, including the provision of rooms to enable more specialist care to take place

on-site. The applicant's supporting statement advises that the proposals comply with the NYCC standards and that Housing and Care 21 are on the NYCC framework for the provision of Extra Care facilities. It is considered that the proposals go beyond the allocation requirements of "an element of very sheltered housing provision".

- 5.10 The applicants' statement sets out that the scheme is considered to provide extra care provision within the main block of development. This scheme and layout, incorporating communal areas, eating facilities and general and specialist care areas, allows for a variety of care packages and needs to be catered for within the development. The applicants state that the scheme would: (i) promote independence, enabling people to stay in the locality in their own homes; (ii) be empowering, with care and support coming to the individual; and (iii) be accessible, developing a well-designed and barrier free environment with scope for easy adaptation.
- 5.11 The bungalows would be limited to occupation by the over 55s and would be constructed as two bedroomed bungalows with the potential to expand upward to provide additional accommodation. The applicants consider that this element of the scheme will appeal to a different target market and would not compete directly with the extra care scheme. They consider that although independent, occupiers of the bungalows would take comfort from the proximity of the extra care building and the inherent security of the site; and would benefit from the public facilities and eventually the care available, including the subscription-based all-hours emergency call system.

#### Design and setting

- 5.12 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."
- 5.13 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.
- 5.14 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. (For major applications and others "likely to have any significant impacts") 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.*

- 5.15 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.
- 5.16 Achieving a standard of design that respects the location, within the parkland of a listed building, is a criterion of the allocation, and policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that takes account of local character and setting, promotes local identity and distinctiveness and is appropriate in terms of use, movement, form and space.

In this case the site is located within the parkland setting of a Listed Building and as well as the design issues outlined above, the effect on the setting of the Listed Building and the parkland setting must be taken into account.

- 5.17 The starting point for the design is clearly set out in the applicants' statement as being the allocation, which has plainly informed the value of the site and therefore the quotient of development required in order to make the development of the site viable. The allocation expects a development of 70 dwellings per hectare and the submitted proposal meets this requirement.
- 5.18 The design statement sees the site as being unique, being on the edge of the village and within a parkland setting. The statement identifies the important elements that contribute to the character of the area, including the listed Cleveland Lodge, the parkland associated with the Lodge and the TPO protected trees in the vicinity of the application site, which serve to both create the setting for the development but also separate the site from the otherwise adjacent residential areas on the edge of the village.
- 5.19 Given the context of the site, the development would not sit within a street-scene as such which would otherwise inform the design of the elevations. The second factor identified is the local vernacular architecture within the village, considered important in order to instil local distinctiveness into the design as required by development policies. The design statement identifies the colours, materials, grains and textures which have then been used to inform the development proposal. A matter of particular concern is the inclusion of light grey brick and dark grey cladding, intended to echo edge of village farm buildings which the applicants described as "farm buildings, more industrial in nature often built from grey concrete blocks at lower levels with dark cladding above". Whilst such features may exist locally they do not appear appropriate for development within the parkland of a listed building. This has been queried with the agent for the application and their response is awaited.
- 5.20 A community consultation event was held in March 2017 at the Friends Meeting House in Great Ayton. In advance of the meeting, a letter drop was conducted to the adjoining properties considered most likely to be affected by the proposal (number unknown) along with notification to councillors, relevant parties and a notice being displayed in the village library. The meeting was attended by an estimated 100 people, with over 40 comment sheets being completed and handed in.
- 5.21 The application is accompanied by a statement of community consultation which summarises the issues raised through the consultation and are summarised below:
- 5.22 The main issues raised were:
- The block of apartments is too large and not in keeping; the bungalows are too big;
  - The development is not what the village needs, there are lots of bungalows in the village and retirement flats;
  - Preference for a large social housing element to ensure housing available to all;
  - Concern the development is for over 55s only and general sale with no care;
  - Concern over the extent of private ownership and whether access principles apply equally;
  - Flooding and drainage issues;
  - Facilities in village are already inadequate;
  - The buildings will be obvious as trees are not in leaf for much of the year;
  - Urban style of design that does not respect the parkland setting;
  - Concern about the flood alleviation scheme and the potential for movement of the foundations to properties opposite;

- Safety concerns about crossing Newton Road, which is too narrow and congested for extra traffic;
- Not enough parking spaces are to be provided;
- Moving the highway by two metres would improve sight lines;
- Unsuitable location, particularly regarding access;
- Concern over space for buggies, use of the bus stop and school children waiting on Newton Road;
- A wall needs to come down to allow the road to be widened;
- An external exercise area, with outdoor gym equipment, is needed;
- A trim trail for elderly people would be nice; and
- Overdevelopment of site beyond the allocation in LDF.

5.23 The applicant's Statement of Community Involvement then goes on to explain how the applicant considers the scheme has addressed the issues raised and concludes that the scheme will provide:

- An extra care housing scheme in compliance with NYCC standards and meeting an established need within the community;
- Accommodation specifically designed for the user group;
- A variety of tenancy options for the apartments to ensure availability to all sectors of the community;
- A range of apartment sizes and bungalow options to suit most people's needs and aspirations;
- A range of communal facilities to meet the needs of the residents and the local community;
- An energy efficient and secure development compliant with Secured by Design principles;
- Retention of existing tree belts and major trees on the site;
- A purpose designed modern styled building that fits in with its surroundings but has its own identity, separate to that of the main Lodge building; and
- An improved entrance to the site easing traffic difficulties when buses stop and providing greater pedestrian safety.

#### Heritage Issues

5.24 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal (in this case Cleveland Lodge) or its setting or any features of special architectural or historic interest which it possesses.

5.25 The parkland, including the application site, is of importance to the setting of the listed building and contributes to the significance of the building. However, due to its position, the development would not be particularly visible in relation to Cleveland Lodge.

5.26 The parkland setting is not formally recognised, but is considered to be a non-designated heritage asset and requires a balanced judgement as to the scale of any harm or loss in terms of the significance of the parkland.

5.27 The tree cover is sufficient to screen the development from views from most directions. The key view point would be from the south where the development may be viewed from the nearby public footpath and it is important that the design is high quality and the scheme laid out so that the landscape becomes part of the design.

5.28 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including



securing its optimum viable use. The content of Paragraph 135 of the NPPF also needs to be considered. This states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 5.29 The proposed development takes into account local character and setting and results in less than substantial harm to the significance of both the designated and non-designated heritage assets. In this case it is considered that the harm is outweighed by the public benefit of the proposal in delivering housing for older people for which there is an identified need.

#### Trees and ecology

- 5.30 The applicant has submitted a detailed arboricultural assessment in order to assess the impact of the proposed development on the adjacent tree belt, and other nearby specimen trees which are protected by a tree preservation order.
- 5.31 The arboricultural assessment identifies the trees potentially impacted by the proposal, including the trees which line the existing driveway to Cleveland Lodge and approximately half the depth of the tree belt bounding the site to the north. The assessment categorises the trees in terms of their health, vigour and contribution to the area. The report then goes on to assess the impact of the development on those trees and makes recommendations for removal and mitigation in order to maintain the overall level of cover and amenity offered by the trees.
- 5.32 The proximity of the proposed buildings, access road and parking areas are considered in the assessment along with the degree of impact on their health.
- 5.33 Eight trees would need to be removed in order to facilitate the improvements to the access from Newton Road and allow the establishment of the required visibility. Six trees are recommended for removal as part of the development including two healthy trees and four trees which are recommended for removal due to poor health. Other than the changes to facilitate a safer access, the tree removal would not significantly alter the overall appearance of the site or the character of the landscape. An appropriate tree planting scheme would adequately mitigate any harm caused by the necessary tree removals.
- 5.34 The arboricultural assessment identifies a number of locations where the development would encroach into the root protection areas of protected trees. However, the report concludes that whilst some minor canopy modification would be required in order to create the necessary separation between the development and the trees, the encroachment into the root protection area is minimal and not likely to result in a loss of structural integrity or have a significantly detrimental effect on their physiological condition.
- 5.35 The report sets out recommendations for more limited ground disturbing techniques to be used for some of the hard surfaced areas which encroach into the tree protection areas in order to prevent any detrimental impact on the health of the trees. The report also makes recommendations for root protection measures to be installed during the construction phase, in order to prevent harm to the trees.
- 5.36 The report concludes by setting out the parameters for the tree protection measures to be installed within the development of the site. It is recommended that these requirements are conditioned should the application be granted.

- 5.37 Whilst the development will have an impact on certain trees within the site, in particular due to the required removal to facilitate a safe access, these changes are not considered to have a detrimental impact in terms of the overall level of tree cover, or the character and form of the tree cover. The mitigation plan proposed would adequately offset any harm caused.

#### Residential amenity

- 5.38 Residential neighbours to the north facing the site would be a minimum of 30m away, measured building-to-building, and approximately 15m away when measured from the garden boundary. The greatest potential for impact is due to the relationship of the three storey element of the extra care building to the neighbouring residential properties. However, the separation distances are greater than 20m from the boundaries of these properties to the façade of the proposed extra care building, with a minimum building to building distance of 15m.
- 5.39 Taking into account the intervening tree belt, there would not be an unacceptable harmful impact on the amenities of nearby occupiers in terms of privacy or overshadowing.
- 5.40 A traditional lodge building at the north-west corner of the site would be slightly closer to the development. However, occupiers of the lodge would view the development at an angle and as a result the scheme would not be unacceptably harmful to their amenities, particularly taking into account an existing partly restricted outlook from the lodge into the roadside tree belt.
- 5.41 In conclusion, whilst the proposed development would change the outlook from some nearby dwellings, the proposed separation distances between the development and adjacent dwellings are considered to result in no significant harmful impact on residential amenity from the development.
- 5.42 The internal layout of the scheme is considered to allow for sufficient amenity space and separation distances for both the bungalow and extra care elements of the project.

#### Highway safety

- 5.43 The applicants have submitted a Transport Assessment and Travel Plan with the scheme, which informed the submitted Design and Access Statement. The applicants have set out an assessment of on-site parking needs, based on NYCC parking standards and best practice for this type of development.
- 5.44 The applicants propose a total of 28 car parking spaces for the extra care facility and a total of 52 spaces on the site as a whole. This translates to 48% provision of car parking for the extra care element of the development. However, the applicants argue that this element of the scheme requires a reduced level of car parking which is supported by the Highway Authority. Additionally, the applicant has made provision, within their travel plan, for the provision of additional spaces within the site, should this become necessary.
- 5.45 The application proposes amendments to the current access through the re-positioning of the walls either side of the existing entrance to facilitate the necessary visibility splays and allow the incorporation of footways and road crossing points. The existing access road would be retained as a footpath within the site, and a new access formed adjacent facilitating access to the bungalow development and to Cleveland Lodge.

- 5.46 The Highway Authority states that the submitted Transport Assessment has taken into consideration issues it raised through the course of the earlier applications on this site. The Transport Assessment recognises that this site is only served by limited public transport.
- 5.47 A pedestrian crossing point will be provided on Newton Road immediately to the north of the entrance and connected to the development by a footway adjacent to the access road.
- 5.48 The Highway Authority states that the provision of car parking facilities has been analysed in various recent similar applications and has been the subject of debate. This site incorporates sufficient space to provide additional parking spaces if required therefore any overflow parking could be contained within the site without drivers resorting to parking on the highway. The Transport Assessment offers to monitor parking levels as part of a Travel Plan and if necessary provide additional parking spaces within the site. This provides a way to ensure that there is no additional on-street parking resulting from this development.
- 5.49 One of the reasons for refusal of application 15/02856/FUL was that insufficient provision for parking had been made within the site and overspill parking on Newton Road was likely to result in congestion having a detrimental impact on road safety.
- 5.50 This application is considered to be different in some significant respects. Firstly, the number of units is less than that previously proposed. Secondly, as noted by the Highway Authority, should additional parking become necessary, it can be catered for within the site. Thirdly, the nature of the occupancy is considered to differ from that of the refused scheme, in terms of the level of care expected on the site and the resultant likely level of car ownership. It is therefore considered unlikely that there would be on-street overspill from the site onto the local road network.

#### Flood risk

- 5.51 As described above, the proposal is concurrent with a separate flood alleviation scheme by Northumbrian Water, to which the development would be linked. The application site is located in Flood Zone 1, which is the area of lowest risk from flooding. There is known to be a surface water flooding issue in nearby residential streets, although this is understood not to impact directly on the application site.
- 5.52 The proposed development would make use of a proposed drainage pond to be developed by Northumbrian Water in order to cater for surface water provision. No concerns have been raised in this regard by statutory consultees and it is therefore considered that the proposed development does not raise concerns about flood risk.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to a Section 106 agreement to secure the delivery of 40 units meeting the Council's definition of affordable housing and the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered; E12E, D06C, D07D, D11B, D01D, D02D, D03D, D04A, D05A received by Hambleton District Council on 06 July and 21 July 2017, unless otherwise approved in writing by the Local Planning Authority.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.
5. The development hereby approved shall not be commenced except in full accordance with an Arboricultural Method Statement and Tree Protection Plan previously approved in writing by the Local Planning Authority. The details submitted for approval should include (amongst other measures) full details of any works to the canopy of retained trees and a programme of supervision and inspections by an appropriately qualified arboricultural consultant. The development shall thereafter be carried only in accordance with the agreed details and scheme, unless otherwise agreed in writing by the Local Planning Authority.
6. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
7. Prior to the installation of any kitchen facility within the Extra Care unit a scheme shall be submitted to and agreed in writing to the Local Planning Authority, giving details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical. The scheme should specify the position of ventilation, fume or outlet points; the type of filtration or fume treatment to be installed and shall include details of noise levels generated and any noise attenuation structures to be incorporated. The kitchen extraction system shall then be installed in accordance with the approved scheme.
8. Prior to the installation of any external lighting, full details of the lighting shall be submitted to, and approved in writing by the Local Planning Authority. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. The external lighting shall then be installed in accordance with the approved scheme.
9. Prior to any construction works above ground level the applicant shall provides full written details of how the issues raised by the Police Designing Out Crime Officer are to be addressed. These measures should be agreed in writing by the Local Authority in consultation with North Yorkshire Police. The details should provide rationale and

mitigation in relation to any suggestions made in this report that are not to be incorporated.

10. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base-course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

11. 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. The works shall be implemented in accordance with the approved details and programme.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirement: The access shall be formed with a minimum of 6 metre radius kerbs to the north side and 12 metre radius kerbs to the south, to give a minimum carriageway width of 5 metres, and that part of the access road extending 20 metres into the site shall be constructed in accordance with Standard Detail number A1.
13. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Newton Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. 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 until: (i) Details of provision of pedestrian crossing point on Newton Road have been submitted to and approved in writing by the Local Planning Authority; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority
15. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the pedestrian crossing point has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 16:
16. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number #:  
(a) have been constructed in accordance with the submitted drawing (No. 17002 D (50) 01 Rev D; and (b) 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.

17. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include: (a) the appointment of a travel co-ordinator; (b) a partnership approach to influence travel behaviour; (c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site; (d) provision of up-to-date details of public transport services; (e) continual appraisal of travel patterns and measures provided through the travel plan; (f) improved safety for vulnerable road users; (g) reduction in all vehicle trips and mileage; (h) a programme for the implementation of such measures and any proposed physical works; and (i) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.
18. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and (h) HGV routing.
19. No works shall be carried out on site until an arboricultural method statement and tree protection plan has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the approved statement and plan.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16 and DP28.
3. In order to ensure that the appearance of the development is acceptable and to accord with the requirements Development Framework Policy DP32.
4. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
5. In the interests of the protection of trees, in accordance with Local Development Framework Policy CP16 and DP28.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

7. In order to protect the amenity of local residents and to accord with the requirements of Development Policy DP1.
8. In order to protect the amenity of local residents and to accord with the requirements of Development Policy DP1.
9. Reason: To satisfy Paragraph 58 and 69 of the National Planning Policy Framework and to enable the Authority to discharge its functions in accordance with Section 17 of the Crime & Disorder Act 1998.
10. In accordance with policy DP3 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
11. In accordance with policy DP3 and in the interests of highway safety.
12. In accordance with policy DP3 and in the interests of highway safety
13. In accordance with policy DP3 and in the interests of road safety.
14. In accordance with policy DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
15. In accordance with policy DP3 and in the interests of the safety and convenience of highway users.
16. In accordance with policy DP3 and in the interests of the safety and convenience of highway users.
17. In accordance with policy DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
18. In accordance with policy DP3 and DP4 and to establish measures to encourage more sustainable non-car modes of transport.
19. In order to protect existing trees on the site and to accord with the requirements of DP31.

#### Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015.
2. 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

3. With regard to condition 5, it is expected that the scheme of arboricultural supervision will include arboricultural inspections to show that surface water drain, porous drive, trenching and foundations have been installed in accordance with the approved tree protection measures, and a provisional order of supervisions by an arboricultural consultant, including notifications to the Local Planning Authority that the measures have been complied with at each stage.
4. With regard to condition 6, the landscaping scheme should include measures for additional tree planting within shelter belts to the north and east of the site, as well as open areas around the proposed buildings.
5. Level Crossing Safety: Railway safety is of paramount importance and it is noted that the proposed development is sited near to a footpath crossing over the railway. Network Rail would expect that the management of this development inform new residents of the railway crossings in the area and of the dangers of incorrect usage of the crossings. Network Rail would therefore ask that level crossing safety leaflets are included in information/welcome packs provided to the new residents at the site. These can be provided by Network Rail upon request from the developer. Further information is available at:

<http://www.networkrail.co.uk/levelcrossings>