

Parish: Seamer
Ward: Hutton Rudby
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Committee date: 8 March 2018
Officer dealing: Mr K Ayrton
Target date:

17/01794/OUT

**Outline planning application with details of access (all other matters reserved) for the demolition of a manufacturing building, the construction of five detached dwellings and conversion of the former smithy into a single dwelling
At Grahams Engineers (Seamer) Limited, Stokesley Road, Seamer
For Scott Bros (Ltd)**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located within the settlement of Seamer, which is an Other Settlement located at the northern edge of the district, close to the boundary with Stockton on Tees Borough. The site is located towards the southern end of the village. There is a traditional building located towards the front of the site and a large, portal framed building to the rear, with an enclosed field beyond. The traditional building previously accommodated a smithy but is now vacant. It sits at a lower level than the portal framed building. The supporting planning statement confirms that the buildings were vacated approximately three years ago, when Grahams Engineers fell into liquidation.
- 1.2 The buildings are located within the Development Limits for Seamer and comprise approximately 50% of the site. The field that forms the remainder of the site is located beyond the Development Limits.
- 1.3 There is a relatively modern housing estate (Leconfield) to the north of the site, accommodating terraces to the front and detached dwellings to the rear. Located to the south is more sporadic residential development including a detached property set back from the site's frontage. The boundaries to the site accommodate mature landscaping, with the wider countryside located to the west.
- 1.4 The access to the site is taken directly off the main road, from the south east corner. It rises steeply to an area of hardstanding that serves the large engineering building.
- 1.5 The application is in outline form. The only matter 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 is approved.
- 1.6 An illustrative site plan has been submitted in support of the application. This includes the conversion of the former smithy into a two bedroom dwelling; and the construction of five detached four-bedroom dwellings extending back into the site, replacing the portal framed building. The existing access would be realigned, to create a more direct access off the highway.
- 1.7 The application is accompanied by the following documents:

- Bat Risk Assessment;
- Arboricultural Impact Assessment
- Highway Statement
- Phase 1 Contaminated Land Risk Assessment
- Planning, Design and Access Statement

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
 Core Policy CP2 - Access
 Core Policy CP4 - Settlement hierarchy
 Core Policy CP8 – Type, size and tenure of housing
 Core Policy CP12 – Priorities for employment development
 Core Policy CP16 – Protecting and enhancing natural and man-made assets
 Core Policy CP17 – Promote high quality design
 Core Policy CP21 – Safe response to natural and other forces
 Development Policy DP1 - Protecting amenity
 Development Policy DP3 – Site Accessibility
 Development Policy DP4 - Access for all
 Development Policy DP10 – Form and character of settlements
 Development Policy DP13 – Achieving and maintaining the right mix of housing
 Development Policy DP17 – Retention of employment sites
 Development Policy DP28 - Conservation
 Development Policy DP30 – Protecting the character and appearance of the countryside
 Development Policy DP32 – General Design
 Interim Policy Guidance Note – adopted by Council on 7th April 2015
 National Planning Policy Framework - published 27 March 2012
 Written Ministerial Statement – Small scale developers – November 2014

4.0 CONSULTATIONS

4.1 Parish Council – Objects and makes the following comments:

- The smithy building is an important part of the village's history. The site is disused and becoming derelict;
- Reluctant to lose a business use;
- Would wish to see dwellings of a good quality, sympathetically designed;
- Not against limited development;
- Keen to encourage opportunity for first time buyers; and
- Part of the site is beyond Development Limits; this could establish a precedent.

4.2 Environmental Health Officer – No objection.

4.3 Natural England – No comments.

4.4 Yorkshire Wildlife Trust – Requested clarification of points made in the submitted Bat Risk Assessment and Bat Survey. The agent submitted an updated assessment to reflect this. This confirms that no further surveys required. However it includes mitigation that should be conditioned, were the development approved.

- 4.5 Highway Authority – No objection subject to conditions.
- 4.6 Northumbrian Water - As the planning application does not provide detailed information with regards to the management of foul and surface water from the development, a condition is requested to secure this.
- 4.7 Public comments – Two letters objection making the following comments:
- The site is too small for five dwellings;
 - The entrance is very steep and parking provision is inadequate for the Smithy;
 - Residential privacy would be compromised;
 - Part of the site includes agricultural land; and
 - There is no need to change the access.

5.0 OBSERVATIONS

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

Principle

- 5.2 The site is located partly within and partly beyond the Development Limits of Seamer, with the former smithy and the part of the site occupied by the portal framed building (broadly corresponding to plots 1 and 2 on the indicative site layout plan) within Development Limits. The residential conversion of the former smithy and a limited extent of new build housing would therefore be within the broad framework of Core Policy CP4. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances".
- 5.3 Latterly the applicant has provided the following additional statement (summarised) in support of their case, in terms of justification for the development, outside development limits in terms of Core Policy CP4 in terms of Environmental improvements.
- The development will remove unsightly dilapidated industrial buildings in close proximity to residential properties. The main road is a gateway and main arterial route through the village, which provides a key vista into the application site;
 - It will retain and enhance an existing character building (the smithy);
 - The development will remediate possible contaminated land due to the past operations of the lawful use;
 - The development will remove industrial traffic, which will improve environmental improvement in terms of safety, reduction in noise emissions and also the present fall-back position could allow a more intense B2 (General Industrial Use) without any further planning control;
 - The present use and associated buildings are a remnant of the past working ethics in a rural location, which does not reflect the growing residential nature of rural villages;
 - The development provides a sensible solution rather than an industrial operation;
 - If the land is refused consent, the site will provide a negative environmental impact, due to there being no other use for the land, as proven by previous marketing evidence;

- The proposed gardens and tree/shrub landscaping will provide new habitats for wildlife and enhance biodiversity; this is a clear environmental improvement;
- A sustainable drainage system will be provided to improve flooding issues;
- The proposed buildings will accord with sustainable building techniques and meet current Part L1A Building regulations, reducing the carbon footprint of the development.

5.4 The balance of the development is outside Development Limits and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) 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".

5.5 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 is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.

5.6 In the IPG Seamer is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities.

5.7 Taking these factors into consideration, for the development to benefit from the IPG, Seamer would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.

5.8 The nearest main settlement is Stokesley, located to the south east of Seamer. This is accessed via derestricted rural roads, large sections of which are not served by footways. The distance from the edge of the main built up area of Seamer to the edge of Stokesley is approximately 2.7km. Also located in between is the settlement of Tame Bridge, which is also an Other Settlement. It should be noted that the main services within Stokesley are approximately another 0.5km distant.

5.9 Therefore the location of the site creates a conflict with criterion 1 of the IPG and having applied the guidance it cannot be concluded that the proposal would be in accordance with the IPG. The agent is aware of this view and has made reference to the recent grant of planning permission for a development of five dwellings at Springwell Nurseries, Stainton Road, Seamer (17/00305/OUT). Members will recall that the Planning Committee's reasons for resolving to grant planning permission in that case included recognition that environmental improvements would be secured, specifically the demolition and removal of glasshouse structures and restoration of the site, including land that had formed part of the nursery but was not proposed for new housing. This is secured by a condition of the outline permission. The agent is of the view that the same approach should be taken to the determination of this application. They have identified the previously developed nature of half of the site, which is located within the Development Limits; and point out that the footprint of the development would not extend beyond the adjacent built form.

- 5.10 It is accepted that there are some similarities with the Springwell Nurseries site. However, there are also significant differences. The Springwell Nurseries site is entirely beyond Development Limits and therefore its redevelopment for housing needed to be justified either in terms of an exception allowed for by Core Policy CP4 or by reference to the NPPF and IPG. As with this application, examination of the IPG's requirements for sustainable clustering does not support new housing beyond the Development Limits of Seamer, therefore the justification for granting planning permission at Springwell Nurseries turned on the perceived environmental benefit of removing glasshouses and restoring land on an adjacent part of the Nurseries, also beyond Development Limits.
- 5.11 In this case, the portal framed building is within Development Limits and its replacement with housing that also did not extend beyond Development Limits would be in accordance with policy CP4, as would the re-use of the former smithy. No evidence has been submitted to suggest that additional housing beyond the Development Limits is needed in order to achieve those ends. The other matters raised in the applicant's latest supporting statement, in terms of the removal of the use, contamination and provision of gardens, supporting habitats are not considered to be sufficient to alter this position.

Loss of employment land

- 5.12 Policy DP17 aims to resist the loss of employment land. In addressing this, the agent has submitted a letter from an estate agent. This confirms their instruction to market the property in November 2015. They advise that the majority of enquiries received were to redevelop the property for residential purposes.
- 5.13 There was one serious enquiry for manufacturing/warehousing. However, a mortgage could not be secured due to the dilapidated nature of the property.
- 5.14 This evidence does not confirm how long the marketing exercise lasted or the terms on which the site was offered. As such it can only be given limited weight. In a supporting statement the agent identifies the exceptions allowed by policy DP17, which are:
- i. There is sufficient supply and variety of available alternative employment land to meet District and local requirements; or
 - ii. Evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or
 - iii. There would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or
 - iv. Economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises.
- 5.15 The application does not include an assessment of the supply and variety of alternative employment sites to allow judgement against criterion i and the limited evidence in the estate agent's letter is considered insufficient to satisfy criterion ii. No evidence has been submitted in respect of criterion iv and as the former business has closed it seems unlikely that it could be claimed in support. Accordingly, the case for loss of employment land turns on criterion iii and whether there would be a substantial planning benefit in permitting an alternative residential use. The agent suggests that significant environmental benefits would be derived from wholesale clearance and redevelopment of the site.

- 5.16 It is clear from the appeal decision at 5 Northallerton Road, Leeming Bar, which involved the loss of a site used by a small business, that weight must be given in the planning balance to the loss of employment land which is considered to be a breach of policy DP17.

Character and appearance

- 5.17 It has already been noted that development in this location cannot draw in-principle support from the IPG. If this is disregarded temporarily for the purposes of assessing the likely impact of the proposal on the character and appearance of the area, IPG criterion 2 requires development to be small scale, normally up to five dwellings. Noting that in this case approximately 50% of the site is within Development Limits, the portion beyond Development Limits, which would need to draw support from the IPG in order to be acceptable, could reasonably be viewed as small scale. It is noted that, following the Ministerial Statement of November 2014, there is no requirement for affordable housing in this case owing to the amount of existing floor space to be demolished or re-used. However, it is noted that the scheme is in outline form, with scope to include smaller properties. Indeed the application indicates that the converted smithy building would deliver a two bedroom dwelling.
- 5.18 Along with the remainder of criterion 2, IPG criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form. This is consistent with other policies in the LDF. In making this assessment it is noted that the application is in outline form with all matters other than access reserved. The plans submitted as part of the application are for illustrative purposes only. Therefore, they have been given little weight in forming the recommendation, which focuses solely on the principle of development.
- 5.19 The site area has been drawn to be in line with the built form to the north and south of the site. This would limit any projection into the adjoining countryside. This is further assisted by the remainder of the field boundary accommodating a mature hedgerow, which provides a layer of landscaping and visual mitigation from the public footpaths to the west of the site. This would avoid any detrimental impact on the open character and appearance of the surrounding countryside.
- 5.20 The layout would inevitably extend back into the site as demonstrated on the illustrative site plan. However, this would be consistent with the Leconfield development to the north and therefore reflective of the existing built form.

Neighbour amenity

- 5.21 There are residential properties to the north, south and east, on the opposite side of the main road. There is clear scope within the site to create a development that would not result in an adverse level of harm to the residential amenity and accord with Policy DP1. It is noted that the comments submitted by local people and the Parish Council do not identify amenity concerns arising from the former business use of the site and this must call the extent of environmental gain claimed by the agent into question.

Highway safety

- 5.22 The scheme would realign the existing access, which is curved and has a degree of conflict with other accesses to the south, which serves two dwellings. The new access would introduce a wider entrance that would be moved away from the southern boundary. The Highway Authority has raised no objection.

Planning balance

- 5.23 It is considered that, owing to the location of the village, the principle of development in the portion beyond Development Limits cannot be afforded support by the IPG and as such the inclusion of housing beyond Development Limits, would need to rely on the exceptions set out in Core Policy CP4.
- 5.24 The information submitted by the applicant is not considered to be sufficient to support an exception in terms of CP4. The claimed environmental gains relate to land within Development Limits and it has not been demonstrated that they could not be achieved by development entirely within Development Limits. Furthermore, the claimed environmental benefits are open to question, particularly in view of local comments that do not appear to identify an issue needing resolution.
- 5.25 Finally, the loss of employment land is not considered to be sufficiently justified and is based on very limited marketing evidence. As such, the loss of the business opportunity presented by the site is considered to fail to comply with Development Policy DP17.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposal includes development in a rural location outside of the Development Limits of designated Sustainable Settlements without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages.
 2. The loss of employment land is not supported by evidence that adequately addresses the requirements of Policy DP17, which seeks to retain employment land and would therefore cause unjustified harm to the local economy.