

**Parish: Seamer**  
Ward: Hutton Rudby  
**7**

Committee Date : 6 February 2020  
Officer dealing : Ms Helen Ledger  
Target Date: 30 December 2019  
Date of extension of time (if agreed):

**19/02287/OUT**

**Outline planning application with all matters reserved for the creation of five residential development plots.  
at Springwell Nurseries Stainton Road Seamer North Yorkshire  
for Mr & Mrs Cook.**

## **1.0 SITE CONTEXT AND PROPOSAL**

- 1.1 The application site is located within the settlement of Seamer, which is an Other Settlement in the Settlement Hierarchy. The village is located at the northern edge of the district, close to the boundary with Stockton on Tees Borough. The site is linear in nature extending northwards along the road frontage. It is noted the southern portion benefits from outline planning consent for five dwellings granted in 2018. This northern portion of the former nursery site is approximately 0.44 hectares in size. The site is currently no longer in use as a plant nursery having closed sometime between now and the previous application to develop the southern portion of the site.
- 1.2 The proposal is for outline planning permission with all matters reserved for the creation of five residential development plots. This application mirrors that granted in 2018, to the south.
- 1.3 The site has an established landscape framework around the majority of its boundary, which largely screens it from the adjoining countryside to the north and east. On the opposite side of Stainton Road are several residential properties. The core of the village is located to the south east where there are several services and facilities, public house, parish church and a farm shop selling fresh produce.
- 1.4 The application is in outline form with all matters reserved. The remaining matters, i.e. access, appearance, landscaping, layout and scale, would be for a later application if this application is approved.

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

- 2.1 17/00305/OUT - Outline application for five dwellings with all matters reserved - Approved at planning committee 09.11.2018

## **3.0 RELEVANT PLANNING POLICIES:**

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP2 - Access  
Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all

Development Policies DP10 - Form and character of settlements  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

- 4.1 Seamer Parish Council - No objection response submitted.
- 4.2 NYCC Highways - No objections subject to a series of standard conditions.
- 4.3 Environment Health - No objections, development not likely to cause nuisance.
- 4.4 Contaminated Land - The site has been used as a plant nursery since the 1960s. This past use could have given rise to land contamination, so an investigation is required to find out whether contamination is present. A pre commencement planning condition is proposed to ensure site investigation and a remediation scheme is submitted. The applicant has agreed to this condition.
- 4.5 Northumbria 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. Therefore request a condition to prevent the increased risk of flooding from any sources in accordance with the NPPF. The applicant has agreed to this pre commencement condition.
- 4.6 Site notice posted and neighbours notified. One objection received and issues raised are summarised below:
  - Additional traffic in the area
  - Parking issues and access onto Hilton Road
  - Concern that the Parish Council has not canvassed local opinion.

#### **5.0 ANALYSIS**

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) scale (iii) 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; (iv) affordable housing and (vi) highway safety .

##### Principle

- 5.2 The site is located within the settlement of Seamer, and falls just beyond Development Limits. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4, however seeks to rely on the application of the Interim Policy Guidance Note, The proposed development is considered to be a Departure from the Development Plan.. 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.

- 5.3 In the assessment of the 2017 application on the southern part of the site, the officer's report found that Seamer was not a location that would support local services without use of the private car. In the IPG Seamer is identified as an Other Settlement, in recognition of the relatively small number of services and facilities. The nearest main settlement is Stokesley, located approximately 2.7km to the south east of Seamer. This is accessed via de-restricted rural roads, large sections of which are not served by footways. It should be noted that the main services within Stokesley are approximately another 0.5km distant.
- 5.4 There is clearly 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 and therefore this policy approach cannot apply in this instance. Since determining the previous application nothing has changed to alter this interpretation of policy.
- 5.5 It is clear since the plant nursery closed that the site contains a range of structures that have fallen into disrepair along with other paraphernalia pertaining to the former activities on the site. Policy CP4 part ii) would allow development beyond development limits where it is necessary to secure a significant improvement to the environment.
- 5.6 When Members considered the earlier application at planning committee, Members gave substantial weight to the benefits of local environmental improvements across the wider site and considered that the 2017 application provided the opportunity to secure this via a planning condition. The application was approved with a condition set out below:
- Prior to commencement of development, a scheme for the demolition and removal of the glass house structures and restoration of the site, shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be progressed in accordance with the approved details.
- 5.7 This condition has not been discharged, although it is clear that the part of the site containing the greenhouses is to the north, the specific area subject to this application.
- 5.8 It is therefore considered that part ii) of policy CP4 cannot be applied again given the environmental benefits in clearing the site have already been considered and accounted for in the planning balance to off-set the impact of the small scale housing scheme proposed to the immediate south of the current application. As there are no new or further benefits set out in the proposed development, designed to meet the requirements of CP4, this application fails to comply with this policy in terms of environmental gain.

#### Scale

- 5.9 Notwithstanding officer concerns that the IPG cannot be relied upon in this case, and noting that the IPG supports small scale housing growth interpreted to mean no more than five houses, this application would in combination with the approval to the south create an estate of ten new houses in a small village with limited services. It is considered that in combination with the 2017 approval this would cumulatively create a new development out of proportion with and harmful to the character of the village. The proposed development is be contrary to Core Strategy Policy CP4 which states development should be of a scale and nature appropriate to secure the sustainability of each settlement and DP10 which seeks to ensure that the form and character of settlements is protected.

- 5.10 At the time of the 2017 application officers considered that a scheme of 12 was not appropriate for a village the size of Seamer with its limited range of facilities, and the proposals were reduced to a scheme of 5 units at that time.

#### Employment Land

- 5.11 Policy DP17 aims to resist the loss of employment land. In this instance the site has now closed and it is understood when open provided employment for the two site owners only. It is argued in the planning statement that the relatively small size of the site would suggest that it would not lend itself to operating as a viable commercial enterprise, and may stand derelict. The division of the site granted under the 2017 application, the planning statement argues has diminished the commercial value of the site.
- 5.12 No evidence has been submitted to substantiate this position on the commercial viability of the site, either for a smaller scale plant nursery or another suitable business use. The agent has sought to resolve the potential conflict with policy DP17 by setting out that the site is not allocated as employment in either the adopted or emerging development plan. It is agreed the site is not covered by such an allocation or other designation, but it is noted that policy DP17 is intended to apply equally to both allocations and existing sites in lawful employment use.

#### Character and Appearance

- 5.13 The application is submitted with all matters reserved but an illustrative layout plan has been included. Little weight can be given to the plans in forming the recommendation.
- 5.14 The agent has advised that this new proposal would allow for a holistic scheme to be developed at reserved matters stage, linked to the previous approval and as a whole can benefit from shared facilities, access and existing landscape and screening. It is noted the northern portion of the site drops away which again offers more capacity to absorb development.
- 5.15 It is considered that the northern half of the site has some relationship with the existing development along Stainton Road, and does not go further than this group of existing dwellings to the west. The shape and size of the site provides opportunity to deliver a development that would benefit from the existing landscape framework, respond positively to the built form, and respect residential amenity.
- 5.16 It is recognised that the site is separate from the wider countryside, in that at its north and western boundaries it is separated by existing landscape features. In addition a small element of the site that would accommodate development can be viewed as previously developed land. It is considered that a scheme could be developed to ensure no harmful impact on the visual amenity of the local area, as required by policy DP1. It is also true that due to these features the impact on the natural surrounding landscape would be relatively minimal.

#### Affordable housing

- 5.17 The Council seek contributions in the rural area to affordable housing on proposals of 6 dwellings or more. No affordable housing contribution has been included in this latest scheme, which together with the previous application creates an estate of ten houses. Without a contribution to affordable housing, cumulatively, the development of this site combined with the group of houses to the south would be contrary to the ministerial statement of November 2014 and Hambleton District Council resolution of 19 July 2016 with regard to the provision of affordable housing. As such the proposed

development is considered to fail to accord with the requirements of Development Policy DP13 and DP15.

#### Highway safety

- 5.18 It is noted in the consultee response from the County Council as Highway Authority, that visibility will need to be improved at the access in line with the standards within Manual for Streets, as well as pedestrian access to the site from the existing footway network on Hilton Road. The internal layout of the roads serving the development would also need to be submitted as part of the reserved matters application.
- 5.19 It is considered to be possible to create safe access to and throughout the development without detriment to road safety, subject to details which would be submitted at the reserved matters stage should this application be approved.

#### Planning balance

- 5.20 It is considered that whilst the proposed development would have no significant impact on landscape character and existing residential amenity, this proposal fails on the principle of development as it cannot meet the requirements of criteria 1 of the Interim Guidance Note. The site is not otherwise considered to be an appropriate and sustainable location for housing development. It is further considered that the environmental benefits of the scheme have already been secured through the previous planning application to the south of the site and as such little weight can be attached to the current proposals in the absence of a viability appraisal assessing the balance between the value of the development and the cost of remediation. The proposed development is considered to require an affordable housing contribution and in the absence of which the development is considered to fail to accord with the Council's requirements for affordable housing.

### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

The reasons are:-

1. The proposal is contrary to the Local Development Framework Core Strategy Policies CP1, CP4, and cannot receive support through the Council's Interim Policy Guidance (IPG) as the proposal is not small in scale and fails to offer any new environmental benefits. The development is located outside Development Limits where new housing development is not normally supported.
2. In the absence of a complete planning obligation to provide for affordable housing on the site the proposal fails to meet the requirement of Local Development Framework Policy CP9 and DP13 as the proposal does provide a mechanism to secure the provision of an element of housing which is accessible and affordable to those unable to compete in the general housing market